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OF THE

THIRTEENTH SESSION

OF THE

Legislative Assembly

OF THE

TERRITORY OF MONTANA,

BEGUN AT HELENA, THE CAPITAL OF SAID TERRITORY, ON THE EIGHTH
DAY OF JANUARY, A. D. 1883, AND CONCLUDED ON THE
EIGHTH DAY OF MARCH, A. D. 1883.

PUBLISHED BY AUTHORITY.

GEO. E. BOOS, PUBLIC PRINTER,
HELENA, MONTANA TERRITORY.

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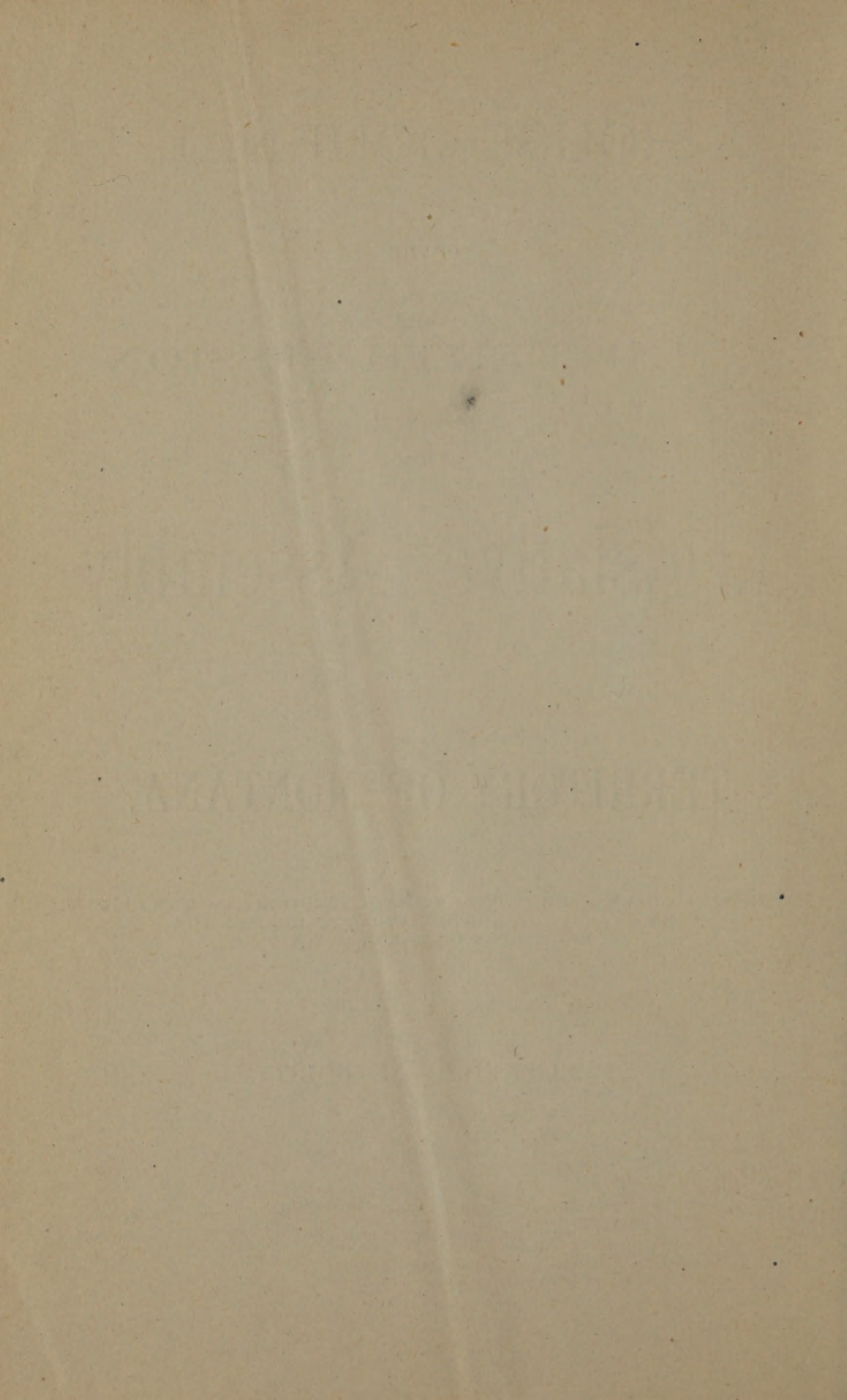
TERRITORY OF MONTANA,

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HOUSE OF REPRESENTATIVES.

ALEX. E. MAYHEW, *Speaker*,
JOSEPH S. ALLEN,
J. D. ARMSTRONG,
JOSEPH A. BAKER,
ORLANDO B. BATTEN,
HENRY S. BLAKE,
JOHN E. CLUTTER,
HARRY R. COMLY,
FRANK D. COOPER,
THOMAS DEAN,
CALDWELL EDWARDS,
SIDNEY ERWIN,

JOHN F. FORBIS,
RICHARD O. HICKMAN,
WILLIAM T. JACOBS,
JAMES E. KANOUSE,
JOHN F. MALONY,
LEE MANTLE,
PERRY W. McADOW,
PETER B. MILLS,
WILLIAM B. SETTLE,
DANIEL O'GRADY,
ROBERT C. WALLACE,
HENRY J. WRIGHT.

SUBORDINATE OFFICERS HOUSE OF REPRESENTATIVES.

DAVID MARKS, *Chief Clerk*,
J. W. KEMPER, *Enrolling and Engrossing Clerk*.
N. DICKENSON, *Sergeant-at-arms*,
JOHN T. SHANNON, *Watchman*,
STONEWALL ROE, *Page and Messenger*.
REV. FREDERICK T. WEBB, *Chaplain*.

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HENRY S. BACK,
W. E. BASS,
EDWARD CARDWELL,
WILLIAM A. CHESSMAN,
CHARLES G. COX,
WARREN C. GILLETTE,
ARMISTEAD H. MITCHELL,
WILLIAM W. MORRIS,
GEORGE D. THOMAS,
BENJAMIN F. WHITE,
AARON C. WITTER,
ALFRED B. HAMILTON, *Contestant*.

SUBORDINATE OFFICERS OF COUNCIL.

JAS. B. WELLS, *Chief Clerk*,
W. I. LIPPINCOTT, *Enrolling and Engrossing Clerk*,
SAM'L. ALEXANDER, *Sergeant-at-arms*.
REV. L. L. WOOD, *Chaplain*,
DANIEL SWEENEY, *Page and Messenger*,
WM. WOODCOCK, *Watchman*.

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SECRETARY,	
ISAAC D. McCUTCHEON,	HELENA
JUDICIARY,	
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2d District—WM. J. GALBRAITH, Associate Justice,	DEER LODGE
3d District—DECIUS S. WADE, Chief Justice,	HELENA
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DAVIS WILSON,	BOZEMAN
RECEIVER OF LAND OFFICE—BOZEMAN DISTRICT,	
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PHILIP GLESENER,	FORT CUSTER
C. A. BARSTOW,	CROW AGENCY
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AUDITOR,

JOSEPH P. WOOLMAN, HELENA

SUPERINTENDENT OF PUBLIC INSTRUCTION.

CORNELIUS HEDGES, HELENA.

ATTORNEY GENERAL.

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SUPREME COURT REPORTER.

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ISAAC R. ALDEN, HELENA.

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LOUISA GUTHRIE, HELENA.

SUPERINTENDENT OF PENITENTIARY.

WILLIAM W. BOTKIN, DEER LODGE.

THIRTEENTH LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF MONTANA.
—
HOUSE JOURNAL.
—

FIRST DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., January 8, 1883.

Pursuant to a custom which has obtained in the Territory of Montana, Jas. E. Kanouse, Chief Clerk of the Twelfth Legislative House, at 12 M., called the roll of members returned as elected to the House of the Thirteenth Legislative Assembly from the various counties of Montana Territory, as evidenced by the election returns deposited with the Territorial Auditor, and the following named gentlemen appeared and answered to their names, to wit:

Jefferson county: Jos. S. Allen, B. B. Mills.
Deer Lodge county: J. D. Armstrong, Alex. E. Mayhew.
Choteau county: Jos. A. Baker, W. B. Settle.
Missoula county: Orlando B. Batten.
Madison county: Henry N. Blake, Richard O. Hickman.
Beaverhead county: John E. Clutter, Wm. T. Jacobs.
Lewis and Clarke county: Harry R. Comly, Robert C. Wallace,
Frank D. Cooper.
Meagher county: Jas. E. Kanouse, Thomas Dean.
Gallatin county: Caldwell Edwards, H. J. Wright.
Custer county: Sidney Erwin, P. W. McAdow.
Silver Bow county: Jno. F. Forbis, Lee Mantle, Daniel O'Grady.
Dawson county: John F. Maloney.
On motion of O'Grady, Jno. F. Forbis was elected Speaker *pro tem.*
On motion of Armstrong, David Marks was elected Chief Clerk *pro tem.*

On motion of Kanouse, the chair appointed the following named gentlemen a Committee on Credentials, to wit: Kanouse, O'Grady, Mayhew, Jacobs and Blake.

On motion of Hickman, the House took a recess until 2 p. m.

2 o'CLOCK P. M.

House resumed.

Speaker *pro tem* in the chair.

Roll called, quorum present.

Kanouse, Chairman on Committee of Credentials, made the following report:

Mr. Speaker:

Your Committee on Credentials beg leave to report that they have performed the duty assigned them, and find the following named gentlemen entitled to seats as members of this body:

From Lewis and Clarke county: H. R. Comly, R. C. Wallace, F. D. Cooper.

From Deer Lodge county: A. E. Mayhew, J. D. Armstrong.

From Silver Bow county: J. F. Forbis, Dan'l. O'Grady, Lee Mantle.

From Missoula county: O. B. Batten.

From Beaverhead county: W. T. Jacobs, J. E. Clutter.

From Jefferson county: J. S. Allen, P. B. Mills.

From Madison county: H. N. Blake, R. O. Hickman.

From Gallatin county: C. Edwards, H. J. Wright.

From Meagher county: J. E. Kanouse, Thos. Dean.

From Choteau county: W. B. Settle, J. A. Baker.

From Custer county: P. W. McAdow, S. Irwin.

From Dawson county: J. F. Maloney.

All of which is respectfully submitted.

J. E. KANOUSE,
Chairman.

On motion of Blake, the report was adopted and the committee discharged.

Hickman moved to proceed to elect a Sergeant-at-arms *pro tem*. Motion prevailed.

Comly placed Jerry Robinson in nomination; Mr. Hickman placed Newton Dickenson in nomination; Mr. Allen placed Mr. John Quirk in nomination; Mr. Mills placed Mr. Bunch in nomination, and Mr. Maloney placed Mr. Bosworth in nomination.

Comly moved that further consideration of the election of a Sergeant-at-arms be postponed until 10 a. m. to-morrow.

Mr. Newton Dickenson's name was withdrawn by Mr. Hickman.

Comly withdrew his motion.

On motion of Allen, the House indefinitely postponed the election of a temporary Sergeant-at-arms.

On motion of Blake, the chair appointed Messrs Blake and Maloney to wait upon Chief Justice D. S. Wade, and ask him to appear in the House and administer the oath of office to the members,

On motion the house took a recess until the return of the committee.

2.15 o'clock P. M.

House resumed.

Mr. Speaker *pro tem* in the chair.

Roll called, all present.

Blake, of Special Committee to wait upon the Chief Justice, reported that duty assigned the committee had been performed, and that Judge Wade was upon the floor of the House.

Chief Justice D. S. Wade then appeared and administered the oath of office to the members whose names are attached to the following copy of the oath.

TERRITORY OF MONTANA, }
COUNTY OF LEWIS AND CLARKE, } ss

The undersigned, being first duly sworn, each for himself, and not one for the other, depose and says :

I do solemnly swear, that I will support, protect and defend the Constitution of the United States and the Organic Act of the Territory of Montana, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my election, except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Territory, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.

Henry N. Blake,
Jno. F. Forbis,
Robert C. Wallace,
Frank D. Cooper,
Peter B. Mills,
Joseph S. Allen,
W. B. Settle,
Joseph A. Baker,
Richard O. Hickman,
Henry J. Wright,
Caldwell Edwards,
S. H. Erwin,

A. E. Mayhew,
Joseph D. Armstrong,
Olando B. Batten,
P. W. McAdow,
J. F. Maloney,
Jas. E. Kanouse,
W. T. Jacobs,
Daniel O'Grady,
John E. Clutter,
H. R. Comly,
Thos. Dean,
Lee Mantle,

I do hereby certify that I administered the foregoing oath to the above-named members of the House of Representatives of Montana Territory, on the 8th day of January, A. D. 1883; that I administered said oath in the Hall of the House of Representatives, in Helena, county and Territory aforesaid; and that the office mentioned

in the foregoing oath is that of a member of the House of Representatives of said Territory.

DECIUS S. WADE,
Chief Justice of Montana.

On motion of Hickman a vote of thanks was tendered to Chief Justice Wade for his kindness and courtesy in administering the oath.

On motion of Blake the rules of the House of the twelfth session were adopted temporarily.

On motion of Armstrong the House proceeded to a permanent organization.

The following nominations were then made for permanent Speaker:

By Blake—R. O. Hickman, of Madison.

By O'Grady—Harry O. Comly, of Lewis and Clarke.

By Batton—Alex. E. Mayhew, of Deer Lodge.

By Allen—Jas. E. Kanouse, of Meagher.

On motion the House proceeded to vote by ballot upon the office of Speaker.

The Chair appointed Messrs Batten and Mantle as tellers.

The first ballot resulted as follows—Hickman, 10; Comly, 5; Mayhew, 7; Kanouse, 2. No choice.

Second ballot—Hickman, 10; Mayhew, 7; Comly, 5; Kanouse, 2. No choice.

Blake moved that the person having the highest number of votes on the next ballot be declared elected Speaker of the House.

O'Grady moved to amend by dropping the one receiving the least number of votes.

A point of order having been raised by Blake, the Chair ruled the amendment out of order.

On motion of Allen the motion of Blake was laid on the table.

The House then proceeded to take a third ballot, with the following result:

Third ballot—Hickman, 10; Comly, 5; Mayhew, 5; Kanouse, 4. No choice.

Fourth ballot—Hickman, 10; Mayhew, 7; Comly, 5; Kanouse, 2. No choice.

Fifth ballot—Hickman, 10; Mayhew, 7; Comly, 5; Kanouse, 2. No choice.

Allen withdrew the name of Jas. E. Kanouse.

Sixth ballot—Hickman, 10; Comly, 6; Mayhew, 8. No choice.

Seventh ballot—Hickman, 7; Comly, 8; Mayhew, 7. No choice.

Eighth ballot—Hickman, 11; Comly, 5; Mayhew, 7; Wright, 1. No choice.

Ninth ballot—Hickman, 9; Comly, 7; Mayhew, 8. No choice.

Tenth ballot—Hickman, 10; Comly, 6; Mayhew, 7; Mantle, 1. No choice.

Allen moved to adjourn until 10 A. M. to-morrow.

Motion lost.

Eleventh ballot—Hickman, 8; Mayhew, 8; Comly, 8. No choice.

Twelfth ballot—Hickman, 10; Mayhew, 7; Comly, 6; Blake, 1. No choice.

Thirteenth ballot—Hickman, 8; Mayhew, 8; Comly, 7; Blake, 1. No choice.

Fourteenth ballot—Hickman, 10; Mayhew, 8; Comly, 5; Edwards, 1. No choice.

Fifteenth ballot—Hickman, 10; Mayhew, 9; Comly, 5. No choice.

Sixteenth ballot—Hickman, 10; Mayhew, 9; Comly, 4; Erwin, 1. No choice.

On motion of Blake, in respect to the memory of General Andrew Jackson, the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk, *pro tem.*

SECOND DAY.

HOUSE OF REPRESENTATIVES,
January 9th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker *pro tem* in the chair.

Roll called, quorum present.

Journal of first day read and approved.

Mr. Hickman, by consent of the House, withdrew his name as a contestant for the office of Speaker.

The seventeenth ballot was then taken for the Speakership, with the following result—Mayhew, 12; Comly, 3; Kanouse 7; McAdow, 1.

Mr. Mayhew having received a majority of all the votes cast, was declared elected Speaker of the House.

On motion of Kanouse, the Chair appointed Kanouse and Erwin a committee to conduct the Speaker elect to the chair.

The following named gentlemen were placed in nomination for the office of Chief Clerk:

By Comly—David Marks.

By Hickman—J. G. Sanders.

By Mills—Henry Addoms.

A ballot was then taken with the following result—Addoms, 2; Marks, 11; Sanders, 10; blank, 1.

On motion of Comly a call of the House was had.

McAdow was found absent.

Blake moved that a further call be dispensed with.

Motion lost.

Comly moved to adjourn until 2 P. M.

Motion lost.

On motion of Kanouse, the House adjourned for thirty minutes.

11 A. M.

House resumed.

Mr. Speaker in the chair.

Roll called, all present.

Comly moved that the vote for the Chief Clerk be by *viva voce*.

Motion lost.

The second ballot was then taken for Chief Clerk, with the following result—Addoms, 3; Marks, 12; Sanders, 9.

Third ballot—Marks, 14; Addoms, 1; Sanders, 9.

David Marks having received a majority of all votes cast, was declared elected permanent Chief Clerk of the House.

The following named gentlemen were placed in nomination for Enrolling and Engrossing Clerk :

By Comly—Will Clark.

By Forbis—J. W. Kemper.

A ballot being taken, resulted as follows—Kemper, 17; Clark, 7.

Mr. Kemper having received a majority of the votes cast, was declared elected to the office of Enrolling and Engrossing Clerk.

The following named gentlemen were placed in nomination for Sergeant-at-Arms:

By Armstrong—Newton Dickenson.

By Maloney—Frank Bosworth.

By Mills—J. J. Bunch.

By O'Grady—John Quirk.

By Kanouse—D. H. Lineberger.

The first ballot resulted as follows—Dickenson, 11; Bosworth, 3; Bunch, 2; Quirk, 4; Lineberger, 3.

Second ballot—Dickenson, 10; Bosworth, 5; Bunch, 4; Quirk, 4.

Third ballot—Dickenson, 11; Bosworth, 4; Bunch, 2; Quirk, 7.

Fourth Ballot—Dickenson, 13; Bosworth, 3; Bunch, 3; Quirk, 4.

Mr. Dickenson having received a majority of all votes cast, was declared elected Sergeant-at-Arms.

The following named gentlemen were placed in nomination for the office of Watchman:

By Comly—Hugh McGuiney.

By Comly—T. D. Purcell.

By Blake—Ross Deegan.

By Maloney—James Brennon.

By Batton—James Shannon.

The first ballot resulted as follows—McGuiney, 1; Purcell, 8; Deegan, 4; Brannon, 4; Shannon, 4; LaCroix, 1; Bembrick, 2.

Second ballot—Purcell, 8; Deegan, 2; Brannon, 3; Shannon, 6; Bembrick, 3; McEntry, 1; Kelly, 1.

Third ballot—Purcell, 11; Deegan, 1; Brannon, 2; Shannon, 5; Bembrick, 3; Kelly, 2.

Fourth ballot—Purcell, 9; Brannon, 2; Shannon, 12; Erwin, 1.

Fifth ballot—Shannon, 20; Purcell, 4.

Mr. Shannon having received a majority of all the votes cast, was declared elected Watchman.

The following persons were placed in nomination for Messenger:

By Allen—Stonewall Roe.

By Maloney—Claude LaCroix.

By O'Grady—James McEvily.

By Cooper—James Shannon, Master Duff, Frank Holmes.

The first ballot resulted as follows—Roe, 10; LaCroix, 4; McEvily, 3; Shannon, 1; Holmes, 1; Davenport, 5.

Second ballot—Roe, 14; LaCroix, 8; McEvily, 1; Shannon, 1.

Stonewall Roe having received a majority of all votes cast, was declared elected Page of the House.

Mr. Batten nominated Rev. F. T. Webb for Chaplain.

On motion of Blake the rules were suspended, and Rev. Webb was elected *viva voce*.

Blake offered the following resolution:

Resolved, That a committee of two be appointed by the Chair to proceed to the Chamber of the Council and inform that body that the House has organized by the election of the following officers, to wit:

Speaker: Hon. Alexander E. Mayhew.

Chief Clerk: David Marks.

Enrolling and Engrossing Clerk: James W. Kemper.

Sergeant-at-Arms and Doorkeeper: Newton Dickenson.

Watchman: John C. Shannon.

Messenger: Stonewall Roe.

Chaplain: Rev. Frederick T. Webb.

And that the House is now ready to proceed with the business of the Session.

The resolution, on motion of Hickman, was adopted, and the Chair appointed Blake and Forbis as a committee in conformity with the resolution.

On motion of Comly the Chief Clerk was instructed to inform the Governor that the House had organized by the election of Alex. E. Mayhew as Speaker, David Marks, Chief Clerk, J. W. Kemper, Enrolling and Engrossing Clerk, Newton Dickenson, Sergeant-at-Arms, J. T. Shannon, Watchman, Stonewall Roe, Messenger, and

Rev. F. T. Webb as Chaplain; and that the Chief Clerk accompany the other attaches to the Governor's office, there to take the oaths of their several offices.

On motion of Forbis the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Hickman, the Chair appointed Hickman, Forbis and Comly a committee on rules.

Comly introduced the following :

Resolved, That the Judiciary and Ways and Means Committees of this House be authorized to employ one clerk each, whose duty it shall be to assist the Chief Clerk and the Enrolling and Engrossing Clerk, and that the compensation of each be five dollars per diem.

COMLY.

Comly moved to adopt.

On motion of Blake the resolution was amended by striking out the word " five " and inserting the word " four."

On motion of McAdow the resolution was laid on the table.

Comly moved to adjourn until 10 A. M. to-morrow.
Motion lost.

Blake presented the following :

Mr. Speaker :

We, your committee appointed to proceed to the Council and notify that body of the organization of the House, beg leave to report that we have performed the duty assigned us.

H. V. BLAKE,
JOHN F. FORBIS.

Kanouse offered the following resolution, which, on motion of Blake, was adopted :

Resolved : That a committee, consisting of five members, be appointed by the Speaker to devise and recommend to this House such action on our part as may be appropriate, looking to the reception and inauguration of Montana's new Governor, J. Schuyler Crosby.

KANOUSE.

In conformity to the resolution, the Chair appointed Kanouse, Blake, Clutter, Comly and Armstrong.

On motion of Kanouse the Chair appointed Kanouse and Batten to wait upon Rev. Webb and inform him of his election as Chaplain of the House.

Armstrong moved to adjourn until 10 A. M. to morrow.
Motion lost.

On motion of Comly the House took a recess for 15 minutes.

3 P. M.

House resumed.

Mr. Speaker in the Chair.

Roll called—quorum present.

On motion of Comly the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

THIRD DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan 10th, 1883.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the chaplain.

Journal of second day read and approved.

Committee on rules reported as follows:

Mr. Speaker :

Your committee on Rules for the government of the House, beg leave to report the following rules, and recommend their adoption :

No. 1—*Speaker*. The Speaker shall take the chair at the time to which the House stands adjourned, and the House shall then be called to order, the roll called, and the names of absentees shall be entered upon the journal of the House.

In case the Speaker is absent, or fails from any cause to take the chair, the House shall appoint a Speaker *pro tem*.

No. 2—*Quorum*. Upon the appearance of a quorum the Journal of the preceding day shall be read by the Clerk, and any mistakes therein may be corrected by the House.

No. 3—*Order*. The Speaker shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the House.

No. 4—*Speaker shall Vote*. The Speaker shall vote on all questions taken by yeas and nays (except upon appeals from his own

decision), and in all elections and divisions called for by any member.

No. 5—*Members shall Remain Seated.* When the House adjourns, the members shall keep their seats until the Speaker announces the adjournment.

No. 6—*Proper Decorum.* Every member, previous to speaking, shall rise from his seat, and respectfully address himself to the Speaker.

No. 7—*Two or More.* When two or more members rise at once, the Speaker shall designate the member who is first to speak, but in all cases the member who shall first rise and address the chair shall speak first.

No. 8—*Not to Speak More than Twice.* No member shall speak more than twice on the same subject, without leave of the House, nor more than once until every member choosing to speak on the question pending, shall have spoken.

No. 9—*Motion to be Seconded.* No motion shall be debated or put unless the same shall be seconded. It shall be stated by the Speaker, and any such motion shall be reduced to writing if the Speaker or any member shall desire it.

No. 10—*Motion in Possession of the House.* After any motion shall be stated by the Speaker it shall be in possession of the House, but may be withdrawn at any time before amendment or decision; but all motions, resolutions, or amendments shall be entered upon the Journal, whether they are rejected or adopted.

No. 11—*Debate.* When a question is under debate no motion shall be received, except: 1st. To adjourn. 2d. To lay on the table. 3d. For the previous questions. 4th. To postpone to a day certain. 5th. To commit to a standing committee. 6th. To commit to select committee. 7th To amend. 8th. To postpone indefinitely. And these several motions shall have precedence in the order in which they stand arranged, and a call of the House may be made by a demand of two members.

No. 12—*Adjournment.* A motion to adjourn shall always be in order, except when a member is addressing the chair, or a vote is being taken; that, and the motion to lay on the table, shall be received without debate.

No. 13—*Previous Question.* The previous question shall be in this form: "Shall the main question be now put?" It shall only

be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the House to a direct vote upon the amendments reported by a committee, if any, upon pending amendments, and then upon the main question.

On a motion for the previous question, and prior to the seconding of the same, one call of the House shall be in order, but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

No. 14—*Same*. When, on taking the previous question, the House shall decide that the main question shall not now be put, the main question shall remain as the question before the House, in the same stage of proceedings as before the previous question was made.

No. 15—*Incidental Questions*. All incidental questions of order, arising after a motion is made for the previous question, during the pending of such motion, or after the House shall have determined that the main question shall now be put, shall be decided, whether on appeal or otherwise, without debate.

No. 16—*Petitions*. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place.

No. 17 *Voting*. Every member who shall be present before the vote is declared from the chair, and no other, shall vote for or against the same, unless the House shall excuse him; or unless he is immediately interested in the question, in which case he shall not vote.

No. 18 *When the Question is being put*. When the Speaker is putting the question, no member shall walk out of or across the hall; nor when a member is speaking shall any person entertain any private discourse, or pass between him and the chair.

No. 19 *Several Points*. If the question in debate contains several points, any member may have the same divided.

No. 20 *Members Called to Order*. A member called to order shall immediately sit down, unless he desires to explain, after which he shall take his seat until the point of order be decided by the chair, which shall be final, unless the member desires to appeal, in which case he shall have the right to arise and ask the chair to put his motion to the House, whose duty it shall be to immediately comply; and the question shall be: "Shall the decision of the chair be sustained?"

No. 21 *Introduction of Bills*. Every bill shall be introduced

by a motion for leave, or by an order of the House, or on a report of a committee; and one day's notice at least shall be given of a motion for leave to bring in a bill, unless two-thirds of the members present shall vote in favor of its being brought in without such previous notice.

Every notice for leave to bring in a bill (and every notice to bring in a bill), shall be in writing, and shall contain the title of the bill.

No. 22. *Bills Endorsed.* Every bill, before being introduced, shall have endorsed thereon the title of the same, and every bill and resolution shall have thereon the name of the member introducing it; and when ordered by a committee, the name of such committee shall be endorsed thereon.

No. 23. *Bills to be Read.* All bills, memorials, or joint resolutions, shall be read at length, the first time for information, and if opposition be made to it, the question shall be: "Shall this bill be rejected?" If no opposition be made, or if the motion to reject be lost, the bill shall go to its second reading, without a question.

No. 24—*Second Reading.* All bills, memorials, or joint resolutions, on their second reading, shall be read by their title, and the question taken up on their commitment, amendment, or engrossment, for a third reading.

No. 25—*Third Reading.* All bills, memorials, or joint resolutions, on their third reading, shall be read at length, and no amendments shall be in order except by unanimous consent of the House.

No. 26—*Second and Third Readings.* All bills, shall be read three times before their final passage, and may be read twice on the day of presentation, unless otherwise ordered; and no bill shall be passed unless it shall have been read once at length.

No. 27—*No Amendment.* No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment; no bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.

No. 28—*Committee of the Whole.* In forming a committee of the Whole House, the Speaker shall appoint a chairman to preside.

No. 29—Bills committed to the committee of the Whole House shall, in the Committee of the Whole thereon, be first read through, unless the committee shall otherwise order, and then read and debate by sections, leaving the title to be last considered.

All amendments shall be made in writing, and reported to the committee by the chairman.

No. 30—*Questions in Committee of the Whole.* All questions, whether in committee or in House, shall be put in the order in which they are moved, except in cases of privileged questions, and in filling up blanks, when the largest sum and longest time shall be first put.

No. 31—*Same Mode.* A similar mode of proceeding shall be observed with bills which have originated in and passed the Council as with bills originating in the House, except they shall not be printed.

No. 32—*Reconsideration.* No motion for reconsideration shall be in order unless on the same day or the day following that on which the decision proposed to be reconsidered took place, nor unless one of the majority shall move such reconsideration.

No. 33 *Motion to Reconsider.* When notice of the intention to move the reconsideration of any bill or joint resolution shall be given by a member, the Clerk of the House shall retain the said bill or joint resolution until after the time during which the said motion can be made, unless the same can previously be disposed of.

No. 34 *Who shall Move for a Reconsideration.* Any member that votes on that side of a question which prevailed, may be at liberty to move a reconsideration, and a motion for reconsideration shall be decided by a majority of votes.

No. 35 *When Lost.* In all cases when the House shall be equally divided the question shall be lost, except appeals from decisions of the chair.

No. 36 *House Rules Observed in Committee of the Whole.* The rules of the House shall be observed in committee of the Whole House so far as may be applicable, except that yeas and nays shall not be called, the previous question enforced, nor the time of speaking limited,

No. 37 *Committee Rise.* A motion that the committee rise shall always be in order, and shall be decided without debate.

No. 38 *Standing Committees.* Standing committees consisting of three or five members each, at the option of the Speaker, shall be appointed on the following subjects:

1. Ways and Means ;
2. Judiciary ;
3. Territorial Affairs ;
4. Internal Improvements ;
5. Roads and Highways ;
6. Public Lands ;
7. Grazing and Stock Growing ;
8. Federal Relations ;
9. Education and Labor ;
10. Towns and Counties ;
11. Military Affairs ;
12. Incorporations ;
13. Agriculture and Manufacture ;
14. Elections ;
15. Indian Affairs ;
16. Mines and Minerals ;
17. Engrossment ;
18. Enrollment ;
19. Printing.

No. 39—*Engrossment*. The Committee on Engrossment shall examine all bills after they are engrossed, and report the same to the House (correctly engrossed) before the third reading. Said Committee may report at any time.

No. 40—*Enrollment*. The Committee on Enrollment shall examine all House bills, and joint resolutions which have passed the two Houses, and when reported correctly enrolled, they shall be presented to the presiding officers of the Council and House for their signatures, and when so signed to go to the Governor for his approval. Said Committee may report at any time.

No. 41—*Select Committees*. Select Committees, to whom reference shall be made, shall, in all cases, report a state of facts and their opinion thereon to the House.

No. 42.—In all cases where a bill, order, resolution, or motion shall be entered on the Journal of the House, the name of the member moving the same shall be entered on the Journal.

No. 43—*Clerk to make a List of all Bills*. The Speaker of the House shall cause the Clerk of the House to make a list of all bills, resolutions, reports of committees, and other proceedings of the House which are committed to a Committee of the Whole House, and which are not made the order of the day for any particular day, and to number the same, which list shall be called "the general order of the day," and they shall be taken up in the order in which they are numbered, unless otherwise ordered by two-thirds of the House; and the Clerk shall also keep a book showing the situations and progress of bills.

No. 44—*Speaker to Announce the Order of the Day.* On the meeting of the House, after the reading of the Journal of the preceding day, the order of business for the day shall be as follows:

1. Presentation of Petitions;
2. Reports of Standing Committees;
3. Reports of Select Committees;
4. Notices;
5. Introduction of Bills;
6. Motions and Resolutions;
7. Consideration of Messages from the Council;
8. Reading of House Bills, Resolutions and Memorials;
9. Third Reading of the same;
10. Third Reading of the Council Bills;
11. Consideration of the General Orders;
12. Unfinished Business.

No 45—*Several Motions* Whenever the report of any committee of conference contains several modifications or amendments, any member may have the same divided and the question of concurrence taken separately upon each modification or amendment.

No 46—*General Orders.* When the House has arrived at the general order of the day they shall go into Committee of the Whole upon such orders, or particular order designated by a vote of the House, and no other business shall be in order until the whole are considered, or passed, or the committee rise. And unless a particular bill is ordered up, the Committee of the Whole shall consider, act upon, or pass upon the general orders according to the order of their reference.

No 47—*Speaker to Leave the Chair.* The Speaker may leave the chair and appoint a member to preside, but not for a longer time than one day, except by leave of the House.

No 48.—*Parliamentary Practice.* The rules of parliamentary practice embraced in Jefferson's Manuel shall govern the House in all cases when they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules and orders of the House and Council.

No. 49—The privileges of the floor of the House are hereby accorded:

First. To the Governor.

Second. To the members of the Council.

Third. To the Chief Justice and Associate Justices of the Supreme Court.

Fourth. To the Secretary and other Territorial officers.

Fifth. To the executive, judicial and legislative officers of other States, Territories and Counties.

Sixth. To the officers of the Legislative Council.

Seventh. To the Secretary of the Governor.

Eighth. To the former members of the House of Representatives.

Ninth. To one representative from each of the Territorial newspapers, to be designated by the proprietors thereof.

Tenth. To such persons as by name have received thanks of the two Houses of the Legislative Assembly.

No. 50—*Time of Meeting.* The hour of the daily meeting of the House shall be 10 o'clock in the morning, until the House directs otherwise.

No. 51.—*Yeas and Nays.* The yeas and nays shall not be ordered unless demanded by two members, except on the final passage of the bills, joint resolutions and resolutions making appropriations of money, in which case the yeas and nays shall be made without demand.

No. 52 - *Printed.* All House bills of a general nature, shall, after their second reading, be printed without special order from the House.

No 53—*Memorials to Congress.* All memorials to Congress, or to any officer, or authority of the government, after they shall have passed both Houses, shall be carefully enrolled, signed by the Speaker of the House and President of the Council, and forthwith transmitted by the Chief Clerk of the respective Houses in which they originated, to the President of the Senate. the Speaker of the House of Representatives, in Congress, and to the authority memorialized, and a copy to our Delegate in Congress.

No. 54—*Titles and Reports of Proceedings.* Titles of bills introduced in the House shall be as brief as possible, indicating substantially the purport of the same; and all proceedings of the House wherein action is taken upon bills, resolutions and motions, shall be kept by the clerk in full, upon the Journal; in all cases giving the title of each bill or resolution. But the second and all subsequent references shall be complete where such bill or resolution is referred to by its number. The substance of each motion shall be given, when reference is made to the same, and all resolutions offered shall appear in full upon the Journal.

No. 55—*Suspend, Alter or Amend.* No rule of the House shall be suspended, altered or amended without the concurrence of two-thirds of the members present.

HICKMAN,
FORBIS,
COMLY.

On motion of Blake the report was received, the committee discharged, and the rules adopted as the Rules of the House.

On motion of Comly it was ordered that the Territorial Secretary be requested to have a sufficient number of Rules printed for the use of the Council and House.

On motion of Mantle the House adjourned until 10 o'clock A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

FOURTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 10th, 1883.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of third day read and approved.

On motion of Edwards the Chair appointed Edwards, Maloney and O'Grady a Committee on Mileage.

On motion of Comly the House adjourned until 2 P. M. to-morrow.

DAVID MARKS,
Chief Clerk.

FIFTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 12th, 1883.

2 o'clock p. m.

House met, pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of fourth day read and approved.

The Speaker announced that he would on to-morrow announce the Standing Committees.

Edwards, of Select Committee on Mileage, submitted the following report :

Mr. Speaker :

Your Committee on Mileage report that they find the members of the House of Representatives of the Thirteenth Legislative Assembly of Montana entitled to mileage for distances as follows :

MILES.		MILES.	
Allen.....	40	Hickman.....	250
Armstrong.....	210	Jacobs.....	310
Baker.....	280	Kanouse.....	90
Batten.....	322	Maloney.....	1,066
Blake.....	250	Mantle.....	180
Clutter.....	310	McAdow.....	520
Comly.....		Mills.....	70
Cooper.....	130	O'Grady.....	180
Dean.....	80	Settle.....	280
Edwards.....	256	Wallace.....	

	MILES.		MILES.
Erwin	566	Wright	300
Forbis	180	Mayhew	90

Respectfully Submitted,

C. EDWARDS,
DANIEL O'GRADY,
J. F. MALONLY,

On motion of Blake the report was received, adopted and the committee discharged.

Notices of the introduction of bills were given as follows:

Mr. Speaker :

I hereby give notice that I will on to morrow introduce the following bills, to wit:

A bill for "An Act amending the Territorial Funding Act."

A bill for "An Act concerning the Attorney General."

A bill for "An Act concerning the organization of the Legislative Assembly."

BLAKE.

Mr. Speaker :

I will on to-morrow introduce a bill for "An Act providing for the election of public administrators."

FORBIS.

Mr. Speaker :

I will on to-morrow, or some future day, introduce a bill for "An Act to amend an act concerning stenographers."

FORBIS.

Mr. Speaker :

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill in the form of a concurrent resolution, providing for the call of a convention of delegates representing the people of the Territory of Montana, to frame a Constitution preparatory to the admission of Montana into the Union as a sovereign State.

HICKMAN.

Mr. Speaker :

I hereby give notice that I will on to-morrow, or some subsequent day, introduce a bill for "An Act in relation to water rights."

KANOUSE.

Mr. Speaker :

I will on to-morrow, or some future day, introduce a bill " In relation to the obligations of common carriers."

EDWARDS.

Mr. Speaker :

I will on to-morrow, or some future time, introduce "A Bill in relation to licenses."

EDWARDS.

Mr. Speaker :

I will on to-morrow, or some future day, introduce a bill for "An Act in relation to the funding of the indebtedness of Jefferson County."

ALLEN.

Comly introduced the following, and moved its adoption :

Resolved, That Rule No. 4 be amended so as to read as follows :

"No. 4—*Speaker Shall Vote*. The Speaker shall vote on all questions taken by yeas and nays, and in all elections and divisions called for by any member, except that he shall not be required to vote on an appeal from his own decision; and in the event that he shall not vote, should there be but one majority against his decision, then, nevertheless, it shall be taken and considered to be the decision of the House."

COMLY.

The following amendment was offered :

Strike out all after the word " and " in line 11 of resolution.

FORBIS.

On motion of Forbis the amendment was adopted by the following vote :

Ayes—Allen, Armstrong, Baker, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, Mills, Wallace, Wright—18.

Noes—Batten, Maloney, McAdow, O'Grady, Settle, Mr. Speaker—6.

Comly gave notice of a motion for the reconsideration of the vote on the amendment, and moved that it be made a special order for 10.30 A. M. to-morrow.

Motion carried.

Comly introduced the following :

Resolved, That the Secretary of the Territory be requested to furnish the members of the House with the volumes of laws containing the Acts of the Legislative Assembly since February 21st, 1879.

COMLY.

On motion of Forbis the resolution was adopted.

Comly introduced the following :

Resolved, That the Secretary of the Territory be requested to inform the House what authority, if any, he has to furnish the members with copies of the daily papers containing the proceedings of the Legislative Assembly, and also as to furnishing postage stamps, for the transmittal by the members to their constituents of official matter; and, if he has such authority, that he is respectfully requested to furnish the same.

COMLY.

On motion of Wallace the resolution was adopted.

O'Grady offered the following :

Resolved, That the Secretary of the Territory be requested to furnish this House with cards containing the "Order of Business" and list of the Standing Committees.

O'GRADY.

On motion of Settle the resolution was adopted.

Allen moved to adjourn until 10 A. M. to-morrow.

Comly moved to amend by adjourning until 10.30.

Amendment lost by the following vote :

Ayes—Comly, Jacobs, Malony, Mr. Speaker—4.

Noes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Cooper, Dean, Edwards, Forbis, Hickman, Kanouse, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright—19.

Absent—Erwin.

Comly moved to amend by adjourning until 10.25 A. M.

Lost.

The motion of Allen to adjourn until 10 A. M. to-morrow prevailed.

DAVID MARKS,
Chief Clerk.

SIXTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 13th, 1883.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the fifth day read and approved.

The Speaker announced the following Standing Committees:

On Ways and Means.—Settle, Edwards, Jacobs, Mantle, Mills.

On Judiciary.—Forbis, Comly, Blake, Settle, Batten.

On Territorial Affairs.—Kanouse, Wallace, Mills, Clutter, Armstrong.

On Internal Improvements.—Jacobs, Dean, Wright, Allen, O'Grady.

On Roads and Highways.—Mills, Cooper, Erwin.

On Public Lands.—Comly, Blake, Edwards, Kanouse, Forbis.

On Grazing and Stockgrowing.—Baker, Wright, McAdow, Edwards, Kanouse.

On Federal Relations.—Hickman, Allen, O'Grady.

On Education and Labor.—Batten, Mantle, Hickman, Settle, Clutter.

On Towns and Counties.—McAdow, Maloney, Kanouse, Baker, Erwin.

On Military Affairs.—Clutter, Kanouse, Armstrong.

On Corporations.—Comly, Blake, O'Grady, Wallace, Baker.

On Agriculture and Manufactures.—Mills, Cooper, Dean.

On Elections.—Maloney, Armstrong, Wright.

On Indian Affairs.—Allen, Wallace, Erwin.

On Mines and Minerals.—O'Grady, Allen, Armstrong.

On Engrossment.—Mantle, Forbis, Jacobs.

On Enrollment.—Blake, Comly, Wright.

On Printing.—Dean, Clutter, Wright.

Notices of the introduction of Bills were given, as follows :

Mr. Speaker:

I hereby give notice that I will, on Monday, or some future day, introduce a bill in regard to the salary of the Deputy District Clerk of Dawson County.

MALONEY.

Mr. Speaker:

I hereby give notice that I will, on Monday, or some future day, introduce a bill to refund the indebtedness of Dawson County.

MALONEY.

Mr. Speaker:

I hereby give notice that I will, on Monday or some future day, introduce a bill in regard to the southern boundary line of Dawson County.

MALONEY.

Mr. Speaker:

On Monday, or some future day, I will offer a bill for the formation of Building and Loan Associations.

SETTLE.

Forbis introduced H. B. No. 1. "A bill for an Act to amend an Act concerning Stenographers." Also,

H. B. No. 2. A bill for "An Act providing for the election of Public Administrators."

Blake introduced H. B. No. 3. A bill for "An Act amending the Territorial Funding Act,"

Comley moved a recess for twenty minutes.
Lost.

H. B. No. 1 was read first and second times, and on motion of Comley was referred to Committee on Towns and Counties.

H. B. No. 2 was read first and second times, and on motion of Forbis was referred to Committee on Territorial Affairs.

H. B. No. 3 was read first and second times, and on motion of Blake was referred to Committee on Ways and Means.

The following communications were received from the Secretary of the Territory:

SECRETARY'S OFFICE,
Helena, M. T., Jan, 13th, 1883.

To the Honorable, the Speaker and Members of the House of Representatives:

GENTLEMEN: I have the honor to acknowledge receipt of the resolution adopted by you on the 12th inst., requesting me to "furnish the House with cards containing the order of business, and list of the standing committees." In relation to the cards "order of business," I beg leave to inform you that each member was supplied therewith on the first day of the present session, and a number were placed in the hands of the Clerk for further distribution. The list of the standing committees will be furnished you as soon as may be done after they are announced.

I have the honor to be,

Your Obedient Servant,

ISAAC D. McCUTCHEON,
Secretary.

SECRETARY'S OFFICE,
Helena, M. T., Jan. 13th, 1883.

To the Honorable, the Speaker and Members of the House of Representatives:

GENTLEMEN: I have the honor to acknowledge the receipt of the resolution adopted by you on the 12th inst., in relation to furnishing the members of the Legislative Assembly with the daily papers, and with postage stamps, and beg leave to inform you that there are no funds in my hands with which to purchase the papers, and I am strictly prohibited from furnishing the postage stamps.

I have the honor to be,

Your Obedient Servant,

ISAAC D. McCUTCHEON,
Secretary.

SECRETARY'S OFFICE,
Helena, M. T., Jan. 13th, 1883.

To the Honorable, the Speaker and Members of the House of Representatives.

GENTLEMEN: I have the honor to acknowledge receipt of the resolution adopted by you on the 12th inst., requesting me to furnish the House with the volumes of Laws containing the Legislative Acts since February 21st, 1879, and beg leave to state for the information of your honorable body, that any member can secure the use of such volumes for the session upon application to this office. •

Very Respectfully,

ISAAC D. McCUTCHEON,
Secretary.

The hour of 10.30, the time set for special order, having arrived, Mr. Comly moved to reconsider the vote by which the amendment to the resolution amending rule No. 4 of House Rules was adopted.

Blake moved to lay the motion to reconsider on the table, which was carried by the following vote:

Ayes—Baker, Blake, Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Mantle, Wallace, Wright—13.

Noes—Allen, Armstrong, Batten, Comly, Kanouse, Malony, McAow, Mills, O'Grady, Settle, Mr. Speaker—11.

The resolution, as amended, reads as follows:

Resolved, That Rule No. 4 be amended so as to read as follows:

No. 4—*Speaker Shall Vote*. The Speaker shall vote on all questions taken by yeas and nays, and in all elections and divisions called for by any member, except that he shall not be required to vote on an appeal from his own decision.

The amendment was adopted by the following vote:

Ayes—Armstrong, Baker, Blake, Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, Mills, Wallace, Wright—18.

Noes—Allen, Batten, Comly, Malony, McAow, O'Grady, Settle, Mr. Speaker—8.

Comly introduced the following:

Resolved, That the Secretary of Montana be requested to inform the House how many volumes of the laws of the 12th session are in his possession, and how many have heretofore been disposed of, and in what manner, and to whom.

COMLY.

On motion of O'Grady the resolution was adopted.

Wallace moved to adjourn until 10 A. M. Monday, which was carried by the following vote:

Yeas—Batten, Dean, Edwards, Hickman, Jacobs, Kanouse, Maloney, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker—13.

Noes—Allen, Armstrong, Baker, Blake, Clutter, Cowly, Cooper, Erwin, Forbis, Mantle, Settle—11.

DAVID MARKS,
Chief Clerk.

EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 15th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of sixth day read and approved.

The following communication was received from the Secretary of the Territory:

SECRETARY'S OFFICE,
Helena, M. T., Jan. 15th, 1883.

To the Honorable, the Speaker and Members of the House of Representatives:

GENTLEMEN: I have the honor to acknowledge receipt of your resolution requesting me "to inform the House how many of the volumes of the laws of the 12th Session are in his possession, and how many have been disposed of, and in what manner, and to whom," and beg leave to state, that no separate volumes of the laws of the 12th Session have ever come into my possession. I have a number of copies bound together with the Revised Statutes of 1879, and the Laws of the extra Session of 1879.

Very Respectfully,
ISAAC D. McCUTCHEON,
Secretary.

Kanouse, of Select Committee, made the following report:

Mr. Speaker:

Your committee, appointed to devise and recommend to this

House such action as might be appropriate upon the arrival at the Capitol of Montana's new Governor, beg leave to report that they have performed the duty assigned them, and respectfully recommend that a joint committee be appointed by the Speaker of the House and President of the Council, to wait upon Governor Crosby and invite him to meet the two Houses in joint convention in the Hall of the House, there to take the oath of office as Governor of Montana. And that the Clerk of the House be directed to request the attendance of Chief Justice Wade upon such occasion, to administer the oath aforesaid. And your committee recommend that no further or other action be taken in the premises.

Respectfully Submitted,
KANOUSE,
Chairman.

Notices of the introduction of Bills were given as follows :

By Baker, a bill for "An Act for the further protection of Fish in the streams of Montana."

By Allen, a bill for "An Act in relation to the Registration of Voters of Montana Territory."

By Blake, "A Bill concerning the Qualifications and Registration of Voters."

Also, a bill for "An Act defining the Qualifications of School Trustees and County Superintendents of common schools."

Kanouse, a bill for "An Act fixing the Salary of County Treasurer."

Kanouse introduced H. B. No. 4, "An Act relative to Water Rights."

Settle introduced H. B. No. 5. A bill for "An Act for the formation of Building and Loan Associations."

On motion of Comly the communication received to-day in answer to resolution adopted by the House on Saturday, from the Secretary, was referred to the Committee on Territorial Affairs, requesting the committee to ascertain how many volumes of the Laws of the 12th Session are in his possession, and how many have heretofore been disposed of, and in what manner.

H. B. No. 4 was read first and second times, and, on motion of Comly, was referred to Committee on Printing.

H. B. No. 5 was read first and second times, and, on motion of Comly, was referred to Committee on Printing.

By consent, the Speaker withdrew the name of Erwin, of Custer, from the Committee on Towns and Counties, and placed the name of Allen, of Jefferson county, in lieu thereof.

Kanouse made the following report :

Mr. Speaker :

Your Committee on Territorial Affairs, to whom was referred H. B. No. 2, "An Act to provide for the Election of Public Administrators," have had the same under consideration, and beg leave to report the same back to the House, recommending that it do pass.

KANOUSE,
Chairman.

On motion of Forbis H. B. No. 2 was referred to Committee on Printing.

Hickman introduced the following:

Resolved, That the Committee on Printing be requested to confer with the Territorial Secretary, and ascertain what amount has been placed by the General Government at his disposal for the purpose of defraying the expense of printing bills, etc., for the use of the Legislative Assembly.

HICKMAN.

On motion of Settle the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Forbis the House adjourned until 10 A. M. tomorrow.

DAVID MARKS,
Chief Clerk.

NINTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 16th, 1883.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of eighth day read and approved.

The Committee on Territorial Affairs made the following report :

Mr. Speaker :

Your Committee on Territorial Affairs, to whom was referred, with instructions, the communication of the Hon. Secretary of the Territory, relative to copies of the Laws of the Twelfth Session, beg leave to report that, from information obtained from the office of the Hon. Secretary for Montana, there are on hand in said office a few more than four hundred copies of the Laws of the Twelfth Session, bound with the Laws of the Regular and Extra Sessions of 1879. That some four hundred copies of said Laws have been distributed as contemplated by law, but as such distribution was made prior to the assumption of the duties of office by the present Hon. Secretary, your committee were unable to obtain information as to whom and in what manner such distribution was made.

Respectfully Submitted,

KANOUSE,
Chairman.

The following reports of committees were read :

Mr. Speaker :

Your Committee on Printing, to whom was referred resolution of inquiry as to amount of funds available for printing purposes, beg leave to report that the sum of twenty-five hundred dollars has been

appropriated for that purpose, and is now available in the hands of Territorial Secretary.

DEAN,
Chairman.

Mr. Speaker :

Your Committee on Towns and Counties, to whom was referred H. B. No. 1, a bill for "An Act to amend an Act concerning Stenographers," have had the same under consideration, and would respectfully report it back to the House, recommending it do not pass.

McADOW,
Chairman.

Mr. Speaker :

Your Committee on Ways and Means, to whom was referred H. B. No. 3, a bill for "An Act concerning the Territorial Funding Act," have had the same under consideration, and respectfully report the bill back, with the accompanying substitute, and recommend that the substitute be adopted, and that the same do pass.

SETTLE,
Chairman.

Notices of the introduction of Bills were given as follows:

Mr. Speaker :

I will introduce a bill for "An Act creating the office of County Attorney."

Also, "An Act amending the Criminal Practice Act."

FORBIS.

Mr. Speaker :

I hereby give notice that on to-morrow, or some future day, I will introduce "A Bill in relation to Boards of Health."

WALLACE.

Mr. Speaker :

I hereby give notice that I will, to-morrow, or some future day, introduce "A Bill regulating City and Village Plats."

McADOW.

Mr. Speaker :

Notice is given that I will, on to-morrow, or some subsequent

day, introduce a bill entitled, "An Act to provide for the Collection of Special Poor Tax."

MILLS.

Mr. Speaker :

I hereby give notice that on to-morrow, or some subsequent day, I will introduce "A Bill providing for an increase of the Compensation and Mileage of County Commissioners."

BATTEN.

Baker introduced H. B. No. 6, "A Bill for the further Protection of Fish in the streams of Montana."

By consent, Erwin introduced H. B. No. 7, "A Bill for an Act to create the County of Yellowstone, and to Elect Officers thereof," without having given previous notice.

H. B. No. 6 was read first and second times, and referred to the Committee on Grazing and Stockgrowing.

H. B. No. 7 was read first and second times, and referred to the Committee on Towns and Counties.

On motion of Blake, H. B. No. 1 was referred to Judiciary Committee.

On motion of Comly, H. B. No. 3 was made a special order for the Committee of the Whole.

The House resolved itself into a Committee of the Whole to consider H. B. No. 3.

The Committee arose.

Mr. Speaker in the chair.

On motion of Comly, the House took a recess until 2 P. M.

2 o'clock P. M.

House met, pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

The following Message was received from the Governor :

Fellow Citizens of the Council and House of Representatives:

The Thirteenth Legislative Assembly of Montana Territory assembles under more favorable auspices than any of its predecessors. The Territory, for the first time in its history, is free from indebtedness, and with a surplus of \$14,005.90 in its treasury. The tax duplicate of the Territory has reached the sum of \$33,211,319.12, and the revenue for Territorial purposes for 1882 was \$90,863.47. The assessments of property for taxation in 1882 was \$9,475,082.82 greater than that of 1881, and an increase of \$14,601,517.12 since the adjournment of the last Legislative Assembly.

From the financial condition of the Territory your attention is called to that of the several counties, whose aggregate indebtedness on the first day of March last reached the startling sum of \$658,974.32, and five counties of the eleven increased their indebtedness during the year ending March 1st, 1882. I here repeat the language addressed to the Twelfth Legislative Assembly upon the subject:

"This exhibit is by no means a gratifying one, and is far from sustaining our boasted ability for local self-government. If our local indebtedness increases in the same ratio as heretofore, the Territory will not favorably impress Congress when she applies for admission into the Union as a State. This unfortunate condition of affairs cannot be attributed to our present form of Territorial government, or the system of appointments which has grown up under it, about which so much complaint is made, but must be chargeable to the people of the several counties in the capacity of citizens. I think much of the evil in county management results from the action of county commissioners in assuming legislative functions in paying pretended claims against the counties without authority of law. The Territorial Auditor cannot draw a warrant for the payment of a claim against the Territory without express authority of law. Now, why not apply this provision of law to county commissioners, and stop a leak which has done much to create the present indebtedness? I do not think county commissioners should be allowed so much discretion, for bad men will take advantage of it to serve their own purposes and that of their partisans. If a discretion is allowed, a maximum limit to such discretion should be fixed by law.

The fees and salaries of district and county officers are far in excess of a reasonable compensation for the official services performed, and their reduction should receive your immediate attention. An examination of county records will show that county officers generally receive salaries far in excess of any other officers in the Territory. For example, the county clerks in some of the counties receive more compensation than the Judges of the Supreme Court, and in many of the counties the annual compensation of the county treasurer's is one thousand dollars larger than the salary of the Territorial Treasurer. The remedy is in your hands, and I submit to you whether the substance of the people shall continue to be consumed in the payment of high salaries. A large local indebtedness and a high rate of taxation will deter immigration and seriously affect every industry of the Territory. The owners of live stock in many instances have changed their stock from counties where a high rate of taxation exists to those

where taxation is less, and this change will go on until some of the counties will have but little live stock on their tax duplicate. The counties having the smallest debt and the lowest rate of taxation will, and should be, the most prosperous. I have always favored a statute limiting the power of the several counties to contract a debt beyond a certain amount, and I trust you will concur with me if any new county is organized at the present session.

In my opinion, every public officer should receive a fixed salary, and the whole system of compensation by fees should be abolished. The value of the services of clerks and sheriffs can be as easily estimated as can those of the Territorial Auditor and Treasurer, and when parties litigant are to be taxed with costs, let it be taxed in favor of the county, and collected from such party as the court may direct and under suitable regulations paid into the county treasury. The fees of clerks and sheriffs, heretofore charged against litigants, can, by a proper classification, be commuted to a fixed sum, and be paid into the county treasury on the certificate of the clerk. I believe this system to be both practicable and judicious, with respect to all officers who have heretofore been compensated in whole or in part by fees."

The people naturally turn to the law-making power for a removal of the burdens of taxation. The increase of revenue should reduce the burden, but under the present local management the expenditures are made to increase in the same ratio as the revenue. No people can prosper and pay the rate of taxation which is imposed upon property in many localities in the Territory; 3 per cent per annum taxation will repel the careful and frugal immigrant, and deter foreign capital from seeking investment in the Territory. It is claimed that salaries have been reduced. I ask that they be further reduced, in order that the Commissioners of Lewis and Clarke county may be prevented from paying the sum of three thousand six hundred and sixty-four dollars and forty cents to the Assessor for not exceeding four months' work in 1883. This sum was paid the Assessor of that county the past year. If this is a fair specimen of county management, any school boy can readily determine who consumes the hard-earned taxes of the people. As a rule, the local authorities do not exercise the discretion conferred upon them by law to reduce expenses, but allow the maximum. The Sheriff of Lewis and Clarke county is allowed the maximum, one dollar and twenty-five cents per day, for boarding prisoners, the county paying wages of the cook, and furnishing lights and fuel for the jail. This allowance is in excess of charges at our best hotels and boarding houses, and the criminals could be as safely lodged therein as they have been in the county jail during the past year.

I respectfully recommend that the Legislative Assembly revise the list of taxable property, and place upon that list all property but public. This I believe to be the true principle of taxation, and I hope you will concur with me by placing all private property, now exempt, upon the tax list.

I earnestly invite your attention to the question of taxation of railroad property. The property of railroad corporations should be made to share the burden of taxation the same as that of the individual citizen, and I sub-

mit to you the question whether any additional legislation is necessary in the premises.

The law fixing the assessment of mining ground at the price paid the Government for the same should be repealed. No law should be passed fixing the valuation of property for taxation. Mining ground may have a surface value for agricultural, building or other purposes, and if so, should be taxed as other property.

The number of insane receiving treatment at the expense of the Territory is at this time 56. The contract has been continued at the rate of eight dollars per week per capita, and their treatment has been humane and satisfactory. I renew a former recommendation, that the Governor be authorized to appoint a reputable physician each quarter to make an examination of the asylum and report fully the character of the medical and personal treatment of the inmates, and make such recommendations as he may deem wise and proper, and that he be paid out of the Territorial treasury for such services, upon the certificate of the Governor.

Sixty-seven convicts are at present confined in the United States penitentiary at Deer Lodge, at the expense of the Territory. The contract price for keeping them is seventy-five cents per day each. The present contract expires on the first day of August next.

On the 18th day of July, 1882, I entered into a contract with Davidson & Baldwin for the labor of ten convicts for the period of two years, at fifty cents per day for each convict. The amount received for convict labor for the past fiscal year was \$601.29.

The report of pardons granted since the adjournment of the last Assembly is submitted for your information. I also transmit the reports showing the condition of the two divisions of the Territorial Library and the report of the Historical Society. I ask for these reports your careful consideration, and I recommend that \$200 additional be appropriated annually for the use of the Miscellaneous Division of the Library to pay for subscriptions and binding of newspapers and the purchase of additional books. I commend this division to your favorable consideration.

I herewith transmit reports of the Auditor and Treasurer for years ending December 31, 1881, and December 31, 1882. These reports contain a complete statement of the financial condition of the Territory, together with the receipts and expenditures since December 31, 1880. Hon. J. P. Woolman, Territorial Auditor, and Hon. D. H. Weston, Territorial Treasurer, have so honestly and efficiently performed the duties of their respective offices as to entitle them to my sincere thanks, and I commend them as worthy of the continued confidence of the people.

The statistical returns of county assessors are so manifestly incorrect that the statistical report is valueless. I recommend such additional legislation as will compel the assessors to collect the statistics required by law. I regard this as one of the most important duties of an assessor, and he should not be permitted to disregard it.

Your attention is called to the failure of county officers to make the reports required of them by law. Territorial officers are embarrassed and delayed in the preparation of their reports by reason of these failures, and

you should provide a penalty for officers who fail or refuse to make reports at the time required by law.

The report of the Superintendent of Public Instruction will be submitted to the Legislative Assembly by that officer. Prof. Howey has made a most competent officer, performing every duty with zeal and efficiency, and merits the thanks of the people. The report will show the number of absentees of school age to be very large. The public provides for schools for all, and they should be required to avail themselves of their benefits. I recommend the enactment of a law requiring the attendance of all children of school age. I am aware that such a law would be considered arbitrary, but is not more so than to require citizens who have no children to pay a school tax. The school fund is created to educate all classes at the public expense, and the taxpayer has a right to demand that every child should attend school.

Your attention is called to the fact that it will require an act of the Legislative Assembly to transfer the amount from the warrant fund to the sinking fund, necessary to redeem the outstanding bonds of the Territory. The subject should receive your immediate attention.

The large and increasing business of Fire Insurance in this Territory requires such additional legislation as will fully protect the people from irresponsible companies. No company should be permitted to do business in the Territory until it can show a high standard of solvency.

I earnestly recommend the enactment of a law enforcing the observance of the first day of the week as a day of rest.

I trust the session will be a pleasant one to each of you, and that your labors will receive the approval of your constituents.

B. F. POTTS.

Executive Office, Helena, Jan. 8th, 1883.

On motion of Forbis, the Message of the Governor and accompanying reports were made a special order for 2.30 p. m., to be considered in a Committee of the Whole.

Hickman made the following report:

Mr. Speaker:

Your Committee of the Whole House, to whom was referred substitute for H. B. No. 3, entitled, "A Bill for an Act providing for the Redemption of the Territorial Bonds," have instructed me to report the bill back to the House, with the following amendment, to wit: Amend section 1 by adding the following: "And which money so placed in the sinking fund shall be applied by the Territorial Treasurer to the redemption of the outstanding bonds as provided in section 8 of 'An Act to provide for the Funding of the Outstanding Indebtedness, and the Redemption of the ten per cent. Bonds of the Territory of Montana,' approved July 21, 1879." And recommend

that the same be adopted, and the bill pass as amended. All of which is respectfully snbmitted.

R. O. HICKMAN,
Chairman.

On motion of Blake the report was adopted.

On motion of Comly the amendment reported by the committee, and the substitute as amended, was adopted, and the bill ordered engrossed.

The hour of 2.30 having arrived, the House resolved itself into a Committee of the Whole to consider special order, Hickman in the chair.

Committee arose.

House resumed.

Mr. Speaker in the chair.

Hickman asked time to prepare his report, which request was granted.

On motion of Jacobs, the House adjourned until 10 A. M. tomorrow.

DAVID MARKS,
Chief Clerk.

TENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 17th, 1883.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the ninth day read and approved.

The following reports were received :

Mr. Speaker :

Your Committee on Printing have examined House Bills 2, 4 and 5, and find them correctly printed.

DEAN,
Chairman.

Mr. Speaker :

Your Committee on Engrossment, to whom were referred substitute for H. B. No. 3, "A Bill for an Act providing for the Redemption of the Territorial Bonds," beg leave to report that they have examined the same, and find the bill correctly engrossed.

MANTLE,
Chairman.

Mr. Speaker :

Your Committee of the Whole House, to whom were referred the Governor's Message and accompanying reports for distribution, beg leave to report that we have had the same under consideration, and I am instructed to recommend the following distribution of the matters therein contained, to wit :

1st. All that portion relating to the Law Library to the Judiciary Committee.

2nd. The report of Miss Lou Guthrie, Librarian of the Helena Library, to Committee on Education and Labor.

3d. Report of the President of the Historical Society of Montana, to the Committee on Printing, with instructions to print.

4th. All that portion relating to the Territorial Auditor, Territorial Treasurer and Territorial finances, to the Committee on Ways and Means.

5th. All that portion relating to the county indebtedness, high fees and salary of the county officials, to the Committee on Towns and Counties.

6th. All that portion relating to the Territorial insane hospital the treatment of the same, and the appointment of a reputable physician to make examination and report the character of the medical and personal treatment of the inmates; also, that portion relating to defining assessable property, to the Committee on Territorial Affairs.

7th. All that portion relating to the report of Territorial Superintendent of Public Instruction; the recommendation of setting aside the first day of the week as a day of rest; and the subject of the County Assessors being required to gather statistical reports, to the Committee on Education and Labor.

8th. All that portion relating to convicts, to the Committee on Internal Improvements.

9th. That portion relating to mineral lands and the taxation thereof, to the Committee on Mines and Minerals.

10th. That portion relating to Fire Insurance Companies, to the Committee on Corporations.

11th. The concluding paragraph of his Excellency's Message to the Committee on Indian Affairs.

All of which is respectfully submitted.

R. O. HICKMAN,
Chairman.

On motion of Settle the report of the Committee of the Whole was adopted.

Notices of the introduction of Bills were given as follows:

Mr Speaker:

I give notice that on some future day I will introduce a bill entitled "An Act concerning the Jurisdiction of Justices of the Peace."

COMPLY.

Mr. Speaker:

I hereby give notice that I will, on to-morrow, or some future day, introduce "A Bill amendatory of the Charter of the City of Virginia."

HICKMAN.

Bills were introduced as follows :

By Malony—H. B. No. 8, "A Bill to provide for the Funding of the Outstanding Indebtedness of Dawson County." Also,

H. B. No. 9, "An Act concerning the Salary of the Deputy District Clerk of Dawson County." Also,

H. B. No. 10, "An Act to change the Southern Boundary Line of Dawson County."

By McAdow—H. B. No. 11, "An Act to regulate City and Village Plats."

By Mills—H. B. No. 12, "An Act to provide for the Collection of Poor Tax from Persons who pay no Property Tax."

By Kanouse—H. B. No. 13, "An Act fixing the Salaries of County Treasurers."

H. B. No. 8 was read first and second times, and referred to Committee on Towns and Counties.

H. B. No. 9 was read first and second times, and referred to Committee on Judiciary.

H. B. No. 10 was read first and second times, and referred to Committee on Towns and Counties.

H. B. No. 11 was read first and second times, and referred to Committee on Printing.

H. B. No. 12 was read first and second times, and referred to the Committee on Printing.

H. B. No. 13 was read first and second times.

Malony offered the following amendment to the Bill :

Amend by fixing the salary of the County Treasurer of Dawson County at "fourteen hundred" dollars instead of "twelve hundred" dollars, as inserted in the bill.

Amendment lost.

The bill was then referred to Committee on Printing.

H. B. No. 3, "An Act providing for the Redemption of the Territorial Bonds," was read a third time, and passed by the following vote :

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—24.

Noes—None.

Title agreed to.

H. B. No. 5 was referred to the Committee on Corporations.

H. B. No. 4 was referred to the Committee on Internal Improvements.

H. B. No. 2 was referred to Committee of the Whole

The House resolved itself into a Committee of the Whole to consider H. B. No. 2, Comly in the chair.

House resumed.

Mr. Speaker in the chair.

The following notice was given :

Mr. Speaker:

I give notice that I will, on to-morrow or some future day, introduce "A Bill for an Act concerning the Punishment in cases for Assault and Battery."

SETTLE.

The following report was submitted :

Mr. Speaker :

The Committee of the Whole, who have had under consideration H. B. No. 2, "An Act providing for the Election of Public Administrators," have directed me to report the bill back to the House, and recommend that the same pass.

H. R. COMLY,
Chairman.

On motion of Kanouse, the report was adopted, and the bill ordered engrossed.

On motion of Mantle the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

ELEVENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 18th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.
Mr. Speaker in the Chair.
Roll called—quorum present.
Prayer by the Chaplain.
Journal of tenth day read and approved.

Reports of Standing Committees were received as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom was referred H. B. No. 2, "A Bill for an Act providing for the Election of Public Administrators," beg leave to report that they have examined the same, and find it correctly engrossed.

MANTLE,
Chairman.

Mr. Speaker:

Your Committee on Towns and Counties would respectfully report H. B. No. 8, and recommend its passage.

McADOW,
Chairman.

Notices of the introduction of Bills were given as follows:

By Blake—"A bill for an Act concerning the Seal of the Territory."

By Settle—"A Bill to amend the Criminal Laws of the Revised Statutes of 1879 of Montana Territory."

By Batten—"A Bill for an Act concerning Missoula County and the Election of Officers thereof."

By Mantle—"A Bill for an Act to amend an Act entitled an Act to Incorporate the City of Butte." Also.

"A Bill for an Act concerning the Fees of Assessors."

Hickman introduced H. C. R. No. 1, "Providing for the Call of a Constitutional Convention."

Blake introduced H. J. R. No. 1, "To Pay for Territorial Seal."

H. C. R. No. 1 was read first and second times, and, by unanimous consent, was withdrawn by Hickman.

H. J. R. No. 1 was read first and second times, and referred to Committee on Ways and Means.

H. B. No. 2 was read a third time, and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—24.

Noes—None.

Title agreed to.

On motion of Comly the rules were suspended, H. B. No. 8 considered engrossed, read a third time by its title, and placed upon its final passage.

The bill passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—24.

Noes—None.

Title agreed to.

A communication was received from the Governor, in which he submitted for the information of the House a report of pardons granted by his office during the two years last past, with the reasons therefor.

The clerk was ordered to transmit the communication of the Governor to the Council.

The following was introduced:

Resolved, That the Warden of the Penitentiary at Deer Lodge, in this Territory, be requested to furnish this House with a statement showing the number of Territorial convicts received therein during the ten years immediately prior to the first day of January, 1883, the offence for which each convict had been sentenced, and the number of such convicts who have been pardoned by the Governor of the Territory.

BLAKE.

On motion of Blake the resolution was adopted.

On motion of Blake the House took a recess until 2 p. m.

2 p. m.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

The following notice was given :

Mr Speaker:

I give notice that I will ask leave to introduce "A Bill for an Act providing for the Assessment of Mining Stocks."

FORBIS.

By unanimous consent, Blake introduced H. B. No. 14, "A Bill for an Act concerning the Seal of the Territory."

The following report was received :

Mr. Speaker :

Your Committee on Ways and Means, to whom was referred H. J. R. No. 1, "To Pay for a Territorial Seal," beg leave to report that they have had the same under examination, and report the same back, with the accompanying amendment, and as so amended, hope the same do pass.

SETTLE,
Chairman.

On motion of Forbis, the report, with the amendment offered, was adopted.

On motion of Comly, H. J. R. No. 1 was recommitted to the Committee on Ways and Means.

The following report was offered :

Mr. Speaker:

Your Committee on Internal Improvements, to whom was re-

ferred H. B. No 4, respectfully report the same back to the House, with the recommendation that it be referred to the Committee on Judiciary.

JACOBS,
Chairman.

On motion of Kanouse the report was adopted, and the bill referred to the Committee on Judiciary.

On motion of Settle the House adjourned until 11 A. M. tomorrow.

DAVID MARKS,
Chief Clerk.

TWELFTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 19th, 1883.

House met pursuant to adjournment at 11 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the eleventh day read and approved.

Notices of the introduction of Bills were given as follows:

By Blake—"A Bill for an Act to amend an Act concerning Chatel Mortgages."

By Settle—"A Bill for an Act entitled an Act to amend section 73 of the Code of Civil Procedure."

By Jacobs—"A Bill to provide for the Refunding of the Bonded Indebtedness of Beaverhead County."

By Forbis—"A Bill for an Act to provide for the better observance of Sunday as a Day of Rest."

By Batten—"An Act to enable the people of Missoula and Stevensville to erect School Houses." Also,

"An Act to amend the law concerning Divorce."

Bills were introduced as follows:

By Forbis—H. B. No. 15, a bill for "An Act creating the office of County Attorney."

By Batten—H. B. No. 16, A bill for "An Act concerning Missoula County, and the Election of Officers thereof." Also,

H. B. No. 17, "An Act to increase the compensation and mileage of County Commissioners."

Hickman introduced H. J. R. No. 2, "Providing for a call of a Constitutional Convention."

Blake by unanimous consent withdrew H. B. No. 14.

H. B. No. 15, was read 1st and 2nd times, and ordered printed.

H. J. R. No. 2, was read 1st and 2nd times.

The following amendment was offered:

Amend by striking out all that portion of the Preamble of resolution beginning with word "Whereas," on line 27, of page 2, and ending with word "Done," on line 5, of page 3, both inclusive.

FORBIS.

The amendment was adopted by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Cutter, Comly, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, McDow, Mills, O'Grady, Settle, Wright, Mr. Speaker—20.

Noes—Blake, Cooper, Mantle, Wallace—4.

On motion of Forbis, the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

H. B. No. 16, was read first and second times, and referred to the Committee on Judiciary.

H. B. No. 17, was read first and second times, and referred to Committee on Territorial affairs.

The Committee on Ways and Means made the following report:

Mr. Speaker :

Your Committee on Ways and Means, to whom was recommit-
ted H. J. R. No. 1, A bill for "An Act concerning the Seal of the Ter-
ritory," have had the same under consideration, and beg leave to re-
port the bill back with the accompanying substitute, and would res-
pectfully recommend that the substitute do pass.

SETTLE,
Chairman.

On motion of Blake, the report was adopted.

On motion of Comly the substitute was adopted.

On motion of Comly, H. B. No. 18, a substitute for H. J. R. No.
1, was, under suspension of the rules, considered engrossed, read a
third time by its title and placed upon its final passage.

The bill passed by the following vote :

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly,
Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse,
Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace Wright,
Mr. Speaker—24.

Noes—None.

Title amended so as to read "An Act concerning the Territorial
Seal."

Mr. Speaker called Forbis to the chair.

Mantle moved to adjourn until 11 A. M. to-morrow—lost.

Settle moved to adjourn until 10 A. M. to-morrow—lost.

On motion of Mantle the House adjourned until 10:45 to-morrow.

DAVID MARKS,
Chief Clerk.

THIRTEENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 20th, 1883.

House met pursuant to adjournment at 10:45 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of twelfth day read and approved.

The Committee on Mines and Minerals made the following report.

Mr. Speaker :

Your Committee on Mines and Minerals to whom was referred the portion of the Governor's Message relating to the taxation of Mining property, respectfully report that they have duly considered the same and believe, with the Ex-Governor, that all property should be taxed ; but that the manner of assessing the same will depend more upon the value of the property, and the uses to which the same may be put, than from any speculative value the same may have by reason of being Mining property, That Mining property so far as the value can be determined for the purposes of taxation, depends more upon its product of Mineral than upon the area covered. As to its area, your Committee believe that the Government price as now fixed by law is the proper criterion of assessment. As to the other value, the law already provides for its assessment to the full worth of the improvements thereon, and your Committee therefore recommend that the law concerning the assessment of mining property remain as it at present appears on our Statute books. Respectfully submitted.

DANIEL O'GRADY.
Committee.

The following reports were received :

Mr. Speaker :

Your Committee on Printing have examined House Bills No. 11, 12, and 13 and find them correctly printed.

DEAN,
Chairman.

Mr. Speaker :

Your Committee on Judiciary to whom was referred H. B. No. 16, "An Act concerning Missoula County, and the election of officers thereof," has considered the same and recommends that the same do pass.

FORBIS.

Mr. Speaker :

Your Committee on Territorial Affairs, to whom was referred H. B. No. 17, "An Act to increase the Compensation, and Mileage of County Commissioners, have had said Bill under consideration and herewith report the same with the recommendations that it be amended by correcting a clerical error found therein, by inserting the word "In" found on the 9th line, of section 1. While your Committee are unanimously in favor of the proposition to increase the mileage of County Commissioners, they differ with regard to the necessity or advisability of increasing the per diem, as provided in said Bill, and have therefore agreed to report the same to the House without further recommendation. Respectfully submitted.

KANOUSE,
Chairman.

On motion of Forbis, H. B. No. 17, was placed upon General Orders for consideration by the Committee of the Whole.

Notices of the introduction of Bills were given as follows :

By Malony—"A Bill to bond Dawson County, for the purpose of erecting a Court House and Jail. Also,

"A Bill to repeat that portion of Sec. 298, Article 5, which provides that no person shall hold the office of Sheriff more than two terms."

By Wallace—"A Bill to amend section 1051, Fifth Division Revised Statutes."

By Allen—"A Bill exempting Postmasters from services as Jurors."

By Blake—"A Bill for an Act concerning the rights of the Territory in Civil Actions."

Bills were introduced as follows:

By Forbis—H. B. No. 19, "A Bill for an Act to provide for the better observance of Sunday as a day of rest."

By Settle—H. B. No. 20, "A Bill for an Act entitled an Act to amend Section 73, of the Code of Civil Procedure."

Hickman introduced H. J. M. No. 1, "Asking for increase per diem and mileage of Jurors and witnesses."

H. B. No. 19, was read first and second times, and the following amendment was offered.

Mr. Speaker:

I move to amend Section 2 by striking out the following words: Commencing with the word "That" in the first line, and including the word "Act" in the second line.

BLAKE.

On motion of Blake the amendment was adopted.

On motion of Mantle the following amendment was adopted:

"Amend line 4, of section 7, by inserting after the word "Hotel," the words "Printing Offices."

Allen offered the following amendment:

"Amend by striking out the words "Sunday" or "Sabbath" wherever they appear, and inserting the "Seventh day of the week."

By consent Allen withdrew the amendment.

H. B. No. 19, was ordered printed.

H. B. No. 20, was read first and second times and referred to Committee on Judiciary.

H. J. M. No. 1, was read first and second times, and on motion of Hickman the rules were suspended, the Bill considered engrossed, read a third time by its title and placed upon its final passage, and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—24.

Noes—None.

Title agreed to.

H. B. No. 16, was ordered engrossed.

H. B. No. 11, was referred to committee on Towns and Counties.

H. B. No. 12, was referred to committee on Territorial affairs.

H. B. No. 13, was made a special order for the Committee of the Whole.

On motion of Comly the House took a recess until 2 p. m.

2 o'clock p. m.

House met, pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

The House resolved itself into a Committee of the Whole for the consideration of general orders.

Blake in the chair.

House resumed.

Mr. Speaker in the chair.

Blake asked for time in which to make a report of the Committee of the Whole.

On motion of Comly, leave of absence was granted to Cutter, for five days.

On motion of Settle the House adjourned until 10 a. m. Monday.

DAVID MARKS,
Chief Clerk.

FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 22d, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Clutter.

Prayer by the Chaplain.

Journal of thirteenth day read and approved.

The following reports were received:

Mr. Speaker:

Your Committee on Corporations have duly considered H. B. No. 5, "An Act to provide for the formation of Building and Loan Associations," and have directed me to report the same back to the House and recommend that the bill pass with the following amendments:

1st. Strike out all of Section 1 after the word "property," at the end of the 4th line of the written bill.

2d. Insert the following in lieu of Section 5: "SEC. 5.—Installments paid on Shares of Stock, held in any such corporation by a married woman, an executor, administrator or minor, may, in the discretion of the Board of Directors, and with the consent of such married woman, executor, administrator or the guardian of such minor, be repaid to such married woman, executor, administrator or to the guardian of such minor, and the same shall be a valid payment, and the Shares of Stock on which such repayments have been made cancelled."

3d. Insert the following in lieu of Section 7: "SEC. 7.—The provisions of Article I, of Chapter XV, of the Fifth Division of the 'Revised Statutes of Montana,' except the provisions of Sections 255 and 260 of said Chapter, shall apply to all corporations created under the provisions of this Act."

H. R. COMLY,
Chairman.

On motion of Blake the report of the Committee on Corporations, with H. B. No. 5, was made a special order for the Committee of the Whole.

The following report was received:

Mr Speaker :

Your Committee on Engrossment, to whom was referred H. B. No. 16, entitled "An Act concerning Missoula County and the election of officers thereof," beg leave to report that they have examined the same and find it correctly engrossed.

MANTLE,
Chairman.

Mr. Speaker :

Your Committee of the Whole, to whom was referred H. B. No. 17, entitled "An Act to increase the compensation and mileage of County Commissioners," and the report of the Committee on Territorial Affairs thereon, beg leave to report that the same have been considered, and your Committee direct me to report the bill back to the House with the accompanying amendment, and recommend that the bill as so amended do pass.

BLAKE.

On motion of Comly the report with the amendment offered was adopted, and the bill ordered engrossed.

The following report was received:

Mr. Speaker :

Your Committee of the Whole House, to whom was referred H. B. No. 13, entitled "An Act fixing the salary of County Treasurer," beg leave to report that the same has been considered, and your Committee direct me to report the bill back to the House with the accompanying amendments, and recommend that the bill, as so amended, be indefinitely postponed.

BLAKE.

On motion of Kanouse the report with recommendations was adopted.

Notices of the introduction of Bills were given as follows:

By Settle—A bill entitled "An Act providing for the storage of giant powder."

By Hickman—"An Act in relation to printing."

By Maloney—A bill for the repeal of Sections 1, 2, 3, 4, 5 and 6 of an Act entitled "An Act attaching Dawson County to Custer County for judicial purposes."

Bills were introduced as follows:

By Jacobs—H. B. No. 21, "A bill for an Act to provide for the refunding of the bonded indebtedness of Beaverhead County "

By Settle—H. B. No. 22, "A bill for an Act fixing the punishment in cases of assault and battery."

By Blake—H. B. No. 23, A bill for "An Act concerning the rights of the Territory in civil actions."

The following was offered:

Resolved, That the thanks of the members of this House are hereby tendered to Geo. E. Boos for letterheads furnished the same.

HICKMAN.

On motion of Kanouse the resolution was adopted.

H. B. No. 21 was read first and second times, and referred to Committee on Ways and Means.

H. B. No. 22 was read first and second times, and referred to Committee on Judiciary.

H. B. No. 23 was read first and second times, and referred to Committee on Judiciary.

H. B. No. 16, "A bill for an Act concerning Missoula County and the election of officers thereof," was read a third time. On motion of Comly the Clerk was instructed to insert after the words "Revised Statutes," in the bill, the words "of Montana."

H. B. No. 16 passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Maloney, McAdow, Mills, O'Grady, Settle, Wallace, Wright—21.

Noes—Mr. Speaker—1.

Absent—Clutter, Mantle—2.

Title agreed to.

The following report was received:

Mr. Speaker:

Your Committee on Towns and Counties, to whom was referred

H. B. No. 11, have had the same under consideration, and would respectfully report the same back to the House with the following amendments: In Section 2, line 5, after the word "acknowledge" insert the following: "and received by the County Commissioners." Also, at the end of said Section, attach the following: "*Provided, further,* That any person or persons, or any company desirous of filing and recording plat of Townsites or additions thereto, shall furnish the Recorder with a plat of such site or addition, with full description of the same, and the Recorder shall keep such plat in his office for inspection and reference."

Recomending the bill with amendments do pass.

McADOW,
Chairman.

On motion of Comly the report of the Committee with H. B. No. 11, was made a special order for Committee of the Whole.

The House resolved itself into a Committee of the Whole for the consideration of general orders.

Forbis in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Baker, the House took a recess until 2 o'clock P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Clutter.

The following report was received.

Mr. Speaker:

The Committee of the Whole to whom was referred H. B. No. 5, "An Act for the formation of Building and Loan Associations," together with the report of the Committee on Corporations thereon, has had the same under consideration, and report the same back to the House with recommendation that the same be amended as follows:

Amend Section 1, by striking out all that portion of said Section after the word "Property" on line 4, of Section 1, of the Original Bill.

Amend Section 5, by inserting in lieu thereof the following:

SEC. 5.—“Instalments paid on Shares of Stock, held in any such Corporation, by a married woman, an executor, administrator or minor, may, in the discretion of the Board of Directors, and with the consent of such married woman, executor, administrator or the guardian of such minor, be repaid to such married woman, executor, administrator or the guardian of such minor, and the same shall be a valid payment, and the Shares of Stock, on which such repayments have been made cancelled.”

Amend Section 6, by striking out the word “Law” and “Title,” wherever they occur in said Section, and inserting the word “Act” in lieu thereof.

Strike out Section 7, and insert in lieu thereof the following: “SEC. 7.—The provisions of which I, of Chapter XV, of the Fifth Subdivision of the Revised Statutes of Montana, except the provisions of Sections 255, and 260, of said Chapter, shall apply to all Corporations created under the provisions of this Act.” And as so amended your Committee recommends that said bill do pass.

Your Committee has also had under consideration, H. B. No. 11, “An Act to regulate City and Village plats, and have instructed the Chairman of the Committee to report progress, and ask leave to sit again.

FORBIS.
Chairman.

On motion of Hickman, the report and amendments offered by the Committee were adopted.

House resolved itself into a Committee of the Whole for the further consideration of H. B. No. 11.

Forbis in the chair.

House resumed.
Mr. Speaker in the chair.
The following was offered.

Resolved: That a special Committee, to consist of three members of the House be appointed by the Chair to take such Action looking to the better ventilation and improved sanitary condition of the House Chamber, as to said Committee may be deemed appropriate and necessary in the premises.

BATTEN.

On Motion of Hickman the resolution was adopted:

In conformity therewith, the Chair appointed Batten, O'Grady, and Wright as a Committee.

On motion of Settle the House adjourned until 11 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 23d, 1883.

House met, pursuant to adjournment, at 11 o'clock A. M.

Mr. Speaker in the Chair.

Roll called—quorum present.

Absent on leave, Clutter.

Prayer by the Chaplain.

Journal of fifteenth day read and approved.

The following reports were received :

Mr. Speaker :

A majority of the Committee on Judiciary, to whom was referred H. B. No. 1, "An Act to Amend an Act concerning Stenographers," report the bill back and recommend that it do not pass, as in their opinion the matter of the employment of Stenographers is fully provided for in Chapter LX of the Fifth Division of the Revised Statutes.

H. R. COMLY,
W. B. SETTLE,
ORLANDO B. BATTEN.

Mr. Speaker :

The minority of your Committee on the Judiciary having fully considered H. B. No. 1, "An Act to amend an Act concerning Stenographers," and having disagreed with the majority of the Committee, beg leave to submit this their minority report recommending the passage of the bill.

The only objections urged against this bill are objections founded solely upon grounds of economy. The bill provides only for \$350.00 per annum as a salary which, when compared with the enormous compensation generally paid county officials, divests it of all semblance of extravagance. We are of the opinion that a Stenographer is a necessity in our courts, and should be provided by the public, regardless of a reasonable expense. But we are not prepared to admit

that the employment of a short-hand reporter is an extravagance, but on the contrary assert that it is a measure of economy, and that, as such, this bill should recommend itself favorably to the legislature. We believe that the time consumed by attorneys in noting testimony, and the consequent delay occasioned to the court, imposes upon the county an additional expense far in excess of the salary proposed in this bill for a Stenographer; and it is a self-evident fact that the employment of a reporter would hasten the determination of litigation, which fact of itself—admitting the expense—demands of the people the expenditure of so inconsiderable a sum as this bill proposes.

We suggest as a further reason for the passage of the bill, that without permanent employment Stenographers do not attend the sittings of the courts, and consequently, in important civil cases, the services of a reporter cannot, ordinarily, be secured, although litigants would be willing to pay therefor. As a consequence, under the present order of things, stenography is so poorly paid as to discourage, and almost prohibit the calling.

We are, therefore, of the opinion that, as a matter of economy to the Counties, as a matter of justice to litigants, and as a matter of encouragement to the art of stenography—which is certainly a laudable purpose—this bill should pass.

BLAKE,
FORBIS.

On motion of Allen H. B. No. 1, with majority and minority reports were made a special order for Committee of the Whole.

Mr. Speaker :

Your Committee on Printing, to whom was referred H. B. No. 15, and H. J. R. No. 2, herewith report the said bill as correctly printed with the exception of the word "this" in first line of Section 6, which should read "the." The joint resolution not coming within the rule of the department providing for printing laws of a general nature, your Committee were unable to have the printing of the same allowed, and it is reported herewith.

DEAN,
Chairman.

On motion of Comly H. J. M. No. 2 was recommitted to the Committee on Printing with instructions to have the same printed under the general printing law.

H. B. No. 22 was ordered engrossed.

The following report was received :

Mr. Speaker :

Your Committee on Ways and Means, to whom was referred H.

B. No. 21, beg leave to report that we have had the same under consideration and refer the same back to the House and recommend that the same do pass.

SETTLE,
Chairman.

H. B. No. 21 was ordered engrossed.

The following report was received :

Mr. Speaker :

Your Committee on Territorial Affairs, to whom was referred H. B. No. 12, "An Act to provide for the collection of Special Poor Tax of persons who pay no property tax," have had the same under consideration and beg leave to report the following amendments :

1st. Insert after word "and," 19th line, Sec. 2, the words "the sum so paid."

2d. Insert after Sec. 3 a Section numbered Sec. 4 accompanying this report.

3d. Renumber subsequent Sections.

Which amendments your Committee recommend be adopted, and that the bill as so amended do pass. Respectfully submitted.

KANOUSE,
Chairman.

On motion of Comly H. B. No. 12, with amendments offered by the Committee, were made a special order for Committee of the Whole.

Comly moved to refer H. B. No. 15 to Committee on Ways and Means—motion lost.

On motion of Blake H. B. No. 15 was referred to Committee on Judiciary.

The following report was received :

Mr Speaker :

Your Committee on the Judiciary, to whom was referred H. B. No. 9, "An Act concerning the compensation of the Deputy Clerk of District Court of Dawson County," hereby report the same back to the House with recommendation that the same be referred to a select committee, consisting of the members from Dawson and Custer Counties.

Your Committee has also examined H. B. No. 22, "An Act fixing

the punishment in cases of Assault and Battery," and recommend that the same be amended by striking out the word "and," on line 6, of Section 58, as amended in said bill, and insert in lieu thereof the word "or," and that as so amended said bill do pass.

FORBIS.
Chairman.

On motion of Forbis the report was adopted, and the bill was referred as provided in the report.

The following report was received:

Mr. Speaker :

Your Committee on Engrossment, to whom was referred H. B. No. 17, "An Act to increase the compensation and mileage of County Commissioners," beg leave to report that they have examined the same and find it correctly engrossed.

MANTLE,
Chairman.

Forbis reported as follows:

Mr. Speaker :

Your Committee of the Whole, to whom were referred H. B. No. 11, "An Act to regulate city and village plats," and the report of the Committee of Towns and Counties thereon, begs leave to report that it has had said bill under consideration and recommend the following amendments thereto:

Amend by striking out the enacting clause and insert in lieu thereof the following: "Be it enacted by the Legislative Assembly of the Territory of Montana."

Amend Section 1 by striking out the word "original," in line 1, of said Section 1. Also, strike out the words "the original" on last line of page 1, and first line of page 2, of said Section 1, and insert in lieu of said words the word "such."

Amend Section 2 of said Act by inserting after the word "acknowledged," in line 10 of said Section in the original bill, the words "and received by the County Commissioners." Also, add to said Section the following: "Provided further, That any person or persons, or any company desirous of filing and recording plats of townsites, or additions thereto, shall furnish the recorder with a plat of such site or addition, with full description of the same; and the recorder shall keep such plats in his office for inspection and reference.

Amend Section 4 by striking out the word "with," on 3d line of said Section, original bill, and insert in lieu thereof the word "to." Also, strike out the word "of," in line 4, of said Section, original bill, and insert in lieu thereof the words "with the." Also, add to Section 4 the following: "Unless otherwise ordered by the city

council of the city, or if there be no city council, then by the Board of County Commissioners of the County in which said village or city may be situated."

Amend Section 5 by striking out the word "acknowledge," on line 5 of said Section, original bill, and insert in lieu thereof the word "acknowledged." Also, add to Section 5 the following: "*Provided, further,* That the consent of the city council, if there be one, or if not then the consent of the Board of County Commissioners of the County in which such town or addition thereto shall be situated, be first had and obtained."

Amend Section 6 by striking out the word "chapter" wherever it occurs in said Section, and insert in lieu thereof the word "act." Also, strike out the words "part of a," in line 1 of said Section, as shown in the original bill

Amend Section 7 by striking out the words "part of a," in line 1 of said Section, original bill.

Amend Section 8 of said bill by striking out the words "that part of," in line 3 of said Section, original bill.

Amend Section 10 by striking out the word "chapter" wherever it occurs in said Section, and insert in lieu thereof the word "act." Also, strike out the words "in pursuance of any law heretofore in force," on lines 4 and 5 of said Section 10, in the original bill.

Amend Section 11 by striking out the word "chapter" wherever it appears in said Section, and insert in lieu thereof the word "act." Also, insert after word "leave," on line 2 of Section 11, original bill, the words "to any person." Also, strike out the word "and" in line 8 of Section 11, original bill, and insert in lieu thereof the word "or." Also, insert after the word "pay," on line 6 of Section 11, original bill, the words "to the County in which such lots may be situated the sum of." Also, add to said Section 11 the following: "And the County Commissioners of such County shall maintain necessary and proper actions to recover said sum, which, when recovered, shall be paid into the school fund thereof."

Amend by striking out Section 12.

As so amended the chairman of the Committee is instructed to recommend to the House that said bill do pass.

FORBIS,
Chairman.

Forbis moved to adopt the report.

Forbis moved to amend by adopting all the report with the exceptions of that portion relating to Sections 5, 6 and 7.

The motion as amended prevailed.

On motion of Forbis the following amendment to the report was adopted:

“Amend Section 6 by striking out the word “chapter” wherever it occurs, and insert in lieu thereof the word “act.”

H. B. No. 11 was ordered engrossed.

Comly offered the following new rule and moved its adoption :

“No. 56. All bills, joint resolutions and memorials which shall be referred to a Standing Committee, and thereafter be reported back by such Committee, unless otherwise ordered, shall be placed on the General Orders for consideration in Committee of the Whole.

On motion of Forbis the above was made a General Order for Committee of the Whole.

On motion of Forbis the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Clutter.

The following report was received.

Mr. Speaker :

The Special Committee appointed to take suitable action to improve the ventilation, etc., of the House chamber, beg leave to report that your Committee brought the matter of the objective ventilation to the attention of the Hon. Secretary of the Territory, and were assured by him that immediate steps would be taken to remedy the defect. Your Committee have also instructed the Fireman to air the chamber every morning, and to maintain an even temperature (60 degrees) therein, during the day.

BATTEN,
Chairman.

On motion of Jacobs the report was adopted and the Committee discharged.

Notices of the introduction of Bills were given as follows :

By Settle—“A bill for an Act concerning Notary Publics.”

By O’Grady—“An Act concerning Liens upon Mines and Mills.”
Also, “An Act concerning unlawful interference.”

By Mantle—"A bill for an Act regulating and providing for the organization of Insurance Companies within the Territory of Montana."

Bills were introduced as follows:

By Wallace—H. B. No. 24, "An Act to establish Boards of Health."

By Hickman—H. B. No. 25, "An Act in relation to Printing."

By Allen—H. B. No. 26, "A bill for an Act to amend Section 781, Chapter XXXVII, of the General Laws of Montana Territory concerning Jurors."

The following was presented:

Whereas, The Legislative Council of the 13th Legislative Assembly has failed, after a session of fifteen days, to perfect an organization.

And Whereas, This House is of the opinion that the final organization of the Council within the time limited by law for the session is extremely doubtful.

And Whereas, This House of itself can accomplish nothing, and without an organized Council its sittings are useless.

Therefore, be it Resolved, That the House of Representatives of the 13th Legislative Assembly will, on Wednesday, January 24th, at 6 o'clock P. M. of said day, adjourn without day.

FORBIS.

Comly raised a point of order with the chair.

Sustained by ruling the resolution out of order.

Mantle moved to adjourn for two weeks.

On motion of Comly the motion was laid on the table by the following vote:

Ayes--Allen, Armstrong, Batten, Blake, Comly, Dean, Edwards, Erwin, Jacobs, Mills, O'Grady, Settle, Wright--13.

Noes--Baker, Cooper, Forbis, Hickman, Kanouse, Malony, Mantle, McAdow, Wallace, Mr. Speaker--10.

Absent--Clutter.

Baker moved to adjourn until Friday at 10 A. M., which was lost by the following vote:

Ayes—Baker, Batten, Dean, Jacobs, Kanouse, Malony, Mantle, Wright—8.

Noes—Allen, Armstrong, Blake, Comly, Cooper, Edwards, Erwin, Forbis, Hickman, McAdow, Mills, O'Grady, Settle, Wallace, Mr. Speaker—15.

Absent—Clutter.

H. B. No. 24 was read first and second times.

On motion of Forbis Section 15 was stricken from the Bill.

The Bill was referred to the Committee on printing.

H. B. No. 25, was read first and second times and ordered printed.

H. B. No. 26, was read first and second times and referred to the Committee on printing.

H. B. No. 17. was read a third time and passed by the following vote :

Ayes—Allen, Armstrong, Baker, Batten, Comly, Cooper, Dean, Erwin, Jacobs, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright—17.

Noes—Blake, Edwards, Forbis, Hickman, Kanouse, Mr. Speaker—6.

Absent, Clutter. Title agreed to.

Batten introduced H. B. No. 27, "An Act to enable the people of Missoula and Stevensville to erect Schoolhouses in said towns."

Comly moved to adjourn. Lost.

The House resolved itself into a Committee of the Whole for the consideration of General Orders. Comly in the chair.

House resumed.

Mr. Speaker in the chair.

Forbis moved to adjourn until 10 A. M. Thursday.

Comly amended the motion by a motion to adjourn.

Mantle offered an amendment to the amendment that the House adjourn until Thursday at 10:30 A. M.

The Chair ruled the amendment to the amendment out of order.

Mantle appealed to the House from the decision of the Chair.

Upon the question being put: "Shall the decision of the Chair be sustained?" the Chair was overruled by the following vote:

Ayes---Allen, Armstrong, Comly, Dean, Edwards, Hickman, McAdow, Mills, O'Grady, Wallace, Wright---11.

Noes---Baker, Batten, Blake, Cooper, Erwin, Forbis, Jacobs, Kanouse, Maloney, Mantle, Settle---11.

Absent, Clutter.

The amendment to the amendment offered by Mantle that the House adjourn until 10:30 Thursday was lost by the following vote:

Ayes---Baker, Batten, Cooper, Erwin, Forbis, Jacobs, Kanouse, Maloney, Mantle, Settle, Wright---11.

Noes---Allen, Armstrong, Blake, Comly, Dean, Edwards, Hickman, McAdow, Mills, O'Grady, Wallace, Mr. Speaker---12.

Absent, Clutter.

Comly moved that the vote be reconsidered by which the resolution for a new rule was placed upon the General Orders.
Motion lost.

On motion of Comly the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

SEVENTEENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 24th, 1883.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Clutter.

Prayer by the Chaplain.

Journal of the Sixteenth day read and approved.

The following report was read:

Mr. Speaker:

Your Committee on Engrossment to whom was referred H. B. No. 11, "An Act to regulate City and Village Plats," Also, H. B. No. 5, "An Act for the formation of Building and Loan Associations," Also, H. B. No. 22, "An Act fixing the Punishment in Cases of Assault and Battery," beg leave to report that they have examined the same and find them correctly Engrossed.

MANTLE.

The following was received:

Mr. Speaker:

Your special Committee on H. B. No. 9, respectfully report that they recommend that the Bill do pass with the following amendment: That the words "Six Hundred" be struck out, and "Four Hundred" substituted therefor.

MALONY.
ERWIN.
McADOW.

On motion of Comly the amendment reported by the Committee was adopted, and the Bill ordered engrossed.

Notices of the introduction of Bills were given as follows :

By Blake—" A Bill for an Act concerning certain rights and liabilities of Husband and Wife."

By Cooper—" A Bill providing for the increase of bounty for killing certain Animals."

Wallace introduced H. B. No. 28, " An Act to amend Section 1051 of the Fifth Division of the Revised Statutes of Montana."

H. B. No. 27, was read first and second times, and referred to Committee on Education and Labor.

H. B. No. 28, was read first and second times, and was referred to the Committee on Ways and Means.

H. B. No. 5, was read a third time and passed by the following vote :

Ayes—Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Erwin, Hickman, Jacobs, Kanouse, Malony, McAdow, O'Grady, Settle, Wallace, Wright, Mr. Speaker—18.

Noes—Armstrong, Forbis, Mantle, Mills—4.

Absent, Clutter. Excused Allen.

Title amended so as to read " An Act for the formation of Building Associations."

H. B. No. 22, was read a third time.

Blake moved to strike out the words "of 1879," after the word " Montana."—Motion carried.

On motion the Clerk was instructed to make the erasure in the presence of the House.

The bill passed by the following vote :

Ayes—Allen, Armstrong, Baker, Batten, Blake, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—22.

Absent,—Clutter, Comly—2.
Title agreed to.

H. B. No. 11, was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright—19.

Noes—Mr. Speaker—1.

Absent—Clutter, Comly, Kanouse, Maloney—4.

Title agreed to.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Blake in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Hickman, the House adjourned until 2 p. m.

2 p. m.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Clutter.

The following report was received:

Mr. Speaker:

Your Committee of the Whole House, to whom was referred H. B. No. 1, entitled "A Bill for an Act concerning Stenographers," and the majority and minority reports of the Committee on the Judiciary thereon, beg leave to report that the same have been considered, and your Committee direct me to report progress, and ask leave to sit again.

BLAKE.

On motion of Hickman the report was adopted.

The House resolved itself into a Committee of the Whole for the consideration of General orders.

Blake in the chair.

House resumed.

Mr. Speaker in the chair.

Blake was granted time in which to make report of Committee of the Whole.

On motion of Hickman the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

EIGHTEENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 25th, 1883.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Mantle. Absent on leave, Clutter.

Prayer by the Chaplain.

Journal of seventeenth day read and approved.

The following report was received:

Mr. Speaker:

Your Committee on Towns and Counties, to whom was referred H. B. No. 7, "An Act to Create the County of Yellowstone and to elect Officers thereof, would respectfully report it back, with substitutes for Section 1 and 4, and recommend its passage.

McADOW,
Chairman.

H. B. No. 7 was referred to Committee of the Whole.

The following was received:

Mr. Speaker :

Your Committee on Engrossment have examined and compared H. B. No. 9, "An Act concerning the Compensation of the Deputy Clerk of the District Court of Dawson County." Also, H. B. No. 21, "An Act to provide for the refunding of the Bonded Indebtedness of Beaverhead County," and find the same correctly engrossed.

FORBIS.
JACOBS,

The following report was received.

Mr. Speaker :

Your Committee of the Whole House, to whom was referred H. B. No. 1, entitled A Bill for "An Act to amend An Act concerning Stenographers," and the majority and minority reports of the Committee on the Judiciary thereon, beg leave to report that they have considered the same and directed me to report the Bill back to the House with the recommendation that it do not pass.

BLAKE.

Mr. Speaker :

Your Committee of the Whole House, to whom was referred House Rule No. 56, beg leave to report that they have considered the same and direct me to report the same back to the House, with the accompanying amendment, and recommend that as so amended it be adopted.

BLAKE.

On motion of Comly the amendment reported to Rule 56 was adopted. The Rule as amended reads as follows:

No. 56.—"All bills, joint resolutions, and memorials, which shall be referred to a standing Committee, except the Committee on Engrossment, Enrollment or Printing, and thereafter be reported back by such Committee, unless otherwise ordered, shall be placed on the General Orders for consideration, in Committee of the Whole.

On motion of Comly the rule as amended was adopted.

Settle Introduced H. J. R. No. 3, "To provide for the employment of Committee Clerks," which was read first and second times.

On motion of Comly the rules were suspended, the Resolution considered Engrossed, read a third time by its Title and placed upon its final passage, and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, McAdow, Mills, O'Grady, Settle, Wright, Mr. Speaker—20.

Noes—Wallace—1.

Absent—Clutter, Kanouse, Mantle—3.

Title agreed to.

H. B. No. 1, was read a third time, and lost by the following vote:

Ayes—Blake, Forbis, Malony, Mr. Speaker—4.

Noes—Allen, Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Erwin, Hickman, Jacobs, McAdow, Mills, O'Grady, Settle, Wallace, Wright—17.

Absent—Clutter, Kanouse, Mantle—3.

H. B. No. 9, was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker—20.

Noes—None.

Absent—Clutter, Kanouse, Mantle, Settle—4.

Title agreed to.

H. B. No. 21, was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blaker, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—None.

Absent—Clutter, Kanouse, Mantle—3

Title agreed to.

The following communication was received:

UNITED STATES PENITENTIARY,
Deer Lodge, Montana, Jan. 20th., 1883.

HON. A. E. MAYHEW,
Speaker Etc.

SIR: I am in receipt of, through your Chief Clerk, the following resolution adopted by the Honorable House of Representatives of the Territory of Montana: *Resolved*: "That the Warden of the Penitentiary at Deer Lodge, in this Territory, be requested to furnish this House with a statement showing the number of Territorial Convicts received therein, during the ten years immediately prior to the first day of January, 1883, the offence for which each Convict had been Sentenced, and the number of such Convicts who have been pardoned by the Governor of the Territory."

In compliance with the above resolutions, I have the the honor to Transmit the enclosed statement.

Very Respectfully,
W. W. BOTKIN,
Warden.

The accompanying report was read and on motion of Blake the Clerk was ordered to transmit the same to the Council.

Messrs. Mitchell, Witter, and Cardwell, as a Committee on the part of the Council, appeared on the floor of the House, and announced that the Council is now organized by the election of the following as its Officers :

Granville Stuart, *President*.

James B. Wells, *Chief Clerk*.

W. I. Lippencott, *Enrolling and Engrossing Clerk*.

Saml. Alexander, *Sergeant-at-Arms*.

Wm. Woodcock, *Watchman*.

Dannie Sweeny, *Messenger*.

And that the Council was now ready to proceed with the business of the Session.

The following was offered :

Resolved : " By the House, the Council concurring, that a Committee of six, consisting of three members of the House, and three members of the Council be appointed on Joint Rules for the Government of the two Houses, of the Legislative Assembly at the present Session.

HICKMAN.

The Resolution was adopted and in conformity therewith, the Chair appointed Hickman, Comly and Forbis, as a Committee.

The following report was received :

Mr. Speaker :

Your Committee of the Whole House, to whom was referred H. B. No. 12, entitled " An Act to provide for the collection of special poor tax, of persons who pay no property tax," and the report of the Committee on Territorial Affairs thereon, beg leave to report that they have considered the same, and directed me to report the Bill back to the House with the accompanying amendments and recommend that the Bill as so amended do pass.

BLAKE.

The following communication was received from the Council :

COUNCIL CHAMBER,
Helena, M. T., Jan. 25th, 1883.

Mr. Speaker :

I am directed by the Council to inform your Honorable body

that the Council adopted the resolution herewith enclosed, and has appointed in conformity therewith, Messrs. White and Bass.

JAMES B. WELLS,
Chief Clerk.

The resolutions accompanying reads as follows :

Resolved : “ The House of Representatives concurring that a Committee of five, consisting of two members of the Council and three members of the House, be appointed by the Chair to wait upon the Governor and inform him that the two Houses have organized permanently and are ready to receive any communication he may have to make.

On motion of Blake the House concurred in the resolution and in conformity therewith, the Chair appointed Blake, O’Grady and Malony as such Committee.

On motion of Forbis the amendments reported by the Committee of the Whole on H. B. No. 12, was adopted.

Baker offered the following amendment: “ Amend by inserting after the word ‘ Employees,’ in line 5, section 3, the words, ‘ At work in such County in which such demand is made.’ ”

On motion of Forbis the amendment was adopted :

On motion of Kanouse H. B. No. 12, with amendments was laid upon the table.

Blake of Joint Committee to wait upon the Governor reported that the Committee had informed the Governor of the actions of both Houses and that the Governor would meet the two Houses in the Hall of the House in Joint Session at 2:15 p. m.

On motion of Comly the Clerk was instructed to invite the Council to assemble in the Hall of the House at 2:15 to-day, there to meet in Joint Session with the House for the purpose of receiving the Governor.

On motion of Mills, the House took a recess until 2 p. m.

2 o’clock p. m.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent---Mantle. Absent on leave, Clutter.

On motion of Edwards the House took a recess until 2:15 P. M.

2:15 P. M.

House resumed.

Mr. Speaker in the chair.

The Sergeant-at-Arms of the Council announced the presence of the members of that body for the purpose of meeting in Joint Convention.

The following communications were received:

COUNCIL CHAMBER,
Helena, M. T., Jan. 25th, 1883.

Mr. Speaker:

I am instructed by the Council to inform your Honorable body that H. J. R. No. 3, has passed the Council and is herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

COUNCIL CHAMBER,
Helena, M. T., Jan. 25th, 1883.

Mr. Speaker:

I am instructed by the Council to inform your Honorable body that the invitation to meet with the House in Joint Session in this Chamber at 2:15 P. M. this day, there to meet with the Governor of the Territory, is accepted.

JAMES B. WELLS,
Chief Clerk.

The Joint Convention comprising the Council and House of the Thirteenth Legislative Assembly of Montana Territory was called to order at 2:15 P. M.

Granville Stuart, President of the Council, in the Chair.

The rolls of the respective Houses were called and the quorum of each body were present.

Gov. John Schuyler Crosby was introduced to the Joint Convention and delivered his message.

On motion of Comly the Joint Convention dissolved.

House resumed.

Mr. Speaker in the chair.

On motion of Jacobs three days' further leave of absence was granted to Clutter.

On motion of Forbis an indefinite leave of absence was granted to Mantle on account of sickness.

On motion of Baker the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

NINETEENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 26th, 1883.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present. Absent on leave, Clutter.

Prayer by the Chaplain.

Journal of eighteenth day read and approved.

The following reports were received :

Mr. Speaker:

Your Printing Committee have examined H. B. No. 19 and find the same correctly printed.

DEAN,
Chairman Committee.

Mr. Speaker :

Your Committee on Town and Counties, to whom was referred H. B. No. 10, would respectfully report it back with accompanying petitions and recommend its passage.

McADOW,
Chairman.

H. B. No. 19 was referred to Committee on Territorial Affairs.

Petitions urging the passage of a Bill for the change of the southern boundary line of Dawson County, from Glendive in Dawson County, and Keith in Custer County, were read.

Malony offered the following amendment to H. B. No. 10:

"And the southern boundary line of Dawson County shall be the

northern boundary line of Custer County, so far as said Dawson County extends."

On motion of McAdow H. B. No. 10 was made a special order for the Committee of the Whole.

Notices of the introduction of Bills were given as follows:

By McAdow—"A Bill making a uniform system for drawing deeds and plans of land."

By Batten—"A Bill for An Act to provide for the refunding of the outstanding fifteen per cent. bonds of Missoula County, Montana, and for other purposes."

Bills were introduced as follows:

By Blake—H. B. No. 29, "An Act concerning qualifications and registration of voters."

By O'Grady—H. B. No. 30, "An Act concerning liens upon mines and mills." Also,

H. B. No. 31, "An Act concerning unlawful interference."

H. B. No. 29, was read first and second times and referred to the Committee on Printing.

H. B. No. 30, was read first and second times and ordered printed.

H. B. No. 31 was read first and second times and referred to the Committee on Mines and Minerals.

The House resolved itself into a Committee of the Whole for the consideration of General Orders. Batten in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Forbis, the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Clutter, Mantle.

Settle introduced H. B. No. 32, "An Act to amend the fourth

division of the Revised Statutes of Montana, entitled Criminal Laws.”

Malony moved to adjourn.

Comly moved a call of the House.

A call having been had, Blake was found to be absent on official business. The Sargeant-at-Arms was instructed to bring in the absentee.

Blake having appeared in his seat, a further call of the House was dispensed with.

Comly moved to take a recess until 3:30 P. M. Motion lost.

The motion of Malony to adjourn was lost by the following vote:

Ayes—Armstrong, Batten, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Wright—10.

Noes—Allen, Baker, Blake, Comly, Cooper, Kanouse, McAdow, Mills, O’Grady, Settle, Wallace, Mr. Speaker—12.

Absent---Clutter, Mantle—2.

Settle moved to adjourn until 3:30. Lost.

Blake introduced H. B. No. 33, “An Act concerning certain rights and liabilities of husband and wife.”

On motion of Forbis the House adjourned until 10 A. M. to-morrow by the following vote:

Ayes—Armstrong, Baker, Batten, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mills, Wallace, Wright—14.

Noes—Allen, Blake, Comly, Kanouse, McAdow, O’Grady, Settle, Mr. Speaker—8.

Absent, Clutter, Mantle—2.

DAVID MARKS,
Chief Clerk.

TWENTIETH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 27th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.
Mr. Speaker in the Chair.
Roll called—quorum present.
Absent on leave, Clutter, Mantle.
Prayer by the Chaplain.
Journal of nineteenth day read and approved.

The following report was received :

Mr. Speaker :

Your Committee on Printing have examined H. B's. No. 24 and 25, also H. J. R. No. 2 and find them correctly printed.

DEAN,
Chairman.

H. B. Nos. 24 and 25 and H. J. R. No. 2 were referred to the Committee on Territorial Affairs.

The following report was received :

Mr. Speaker :

We, your Committee on Joint Rules, beg leave to report that we have had the matter under consideration, and would recommend the adoption of the annexed Joint Rules of the Council and House of the Twelfth Session of the Montana Legislature for the Thirteenth Session, all of which is most respectfully submitted.

HICKMAN,
Chairman.

On motion of Comly the rules reported by the committee were

adopted, and the Clerk was instructed to inform the Council of the action.

The following report of the Committee of the Whole was received :

Mr. Speaker :

Your Committee of the Whole House, to whom was referred H. B. No. 7 and H. B. No. 10, beg leave to submit the following report :

Your committee, after due consideration of H. B. No. 7, "A Bill for An Act to create the County of Yellowstone and for the election of officers thereof," would respectfully recommend that the substitute offered for Section 1 of the Bill be adopted in lieu of the original Section 1; that the figure "2" in the third line of Section 2 of the Bill be stricken out and the figure "3" substituted in lieu thereof; that the substitute offered for Section 4 be adopted in lieu of the original Section 4, with the following amendment: insert after the word "surveyor" in the eighth line of said substitute the words "one coroner;" that Section 7 be amended by striking out the words "respectfully" in the sixth line of said section and inserting in lieu thereof the word "respectively;" that Section 9 be amended by striking out the word "for" after the word "expiration" in line eight of said section and inserting in lieu thereof the word "of;" also strike out the word "respectfully" in the ninth line of the same section and insert in lieu thereof the word "respectively;" and that the Bill, with the substitutes and amendments aforesaid, do pass.

Your committee have also duly considered H. B. No. 10, "A Bill for An Act to amend Sec. 322 of Chap. 16 of the General Laws of Montana," and respectfully recommend its passage with the following amendments:

That the words and figures "Chap. 16 of the General Laws of Montana" on line 2 of said Bill be stricken out and the words "fifth division of the Revised Statutes of Montana" be inserted in lieu thereof; that the clause "Section 1" be prefixed to line seven of said Bill, immediately before the word "that" on said line; that there be added to Section 1 the following phrase: "And the northern boundary line of Custer County is hereby changed so that the same shall conform to the southern boundary line of Dawson County as herein established." Respectfully submitted,

BATTEN,
Chairman.

On motion of Forbis the amendments to H. B. No. 7 as reported were adopted and the ordered Bill engrossed.

On motion of Forbis the amendments reported to H. B. No. 10 were adopted.

Kanouse offered the following amendment to the Bill :

Insert after word "longitude," in seventh line, in lieu of the remainder of said section, the words, One hundred and four degrees and thence parallel with said parallel forty-seven degrees, to the Muscleshell River, thence following the line of said river to the northern boundary line of Meagher County; thence west along said line to the one hundred and eighth meridian of longitude, and the northern boundary of Custer County from the intersection of the 47th parallel of latitude with the 104th degree of longitude west, to the Muscleshell River, is hereby changed so that the same shall conform to the southern boundary of Dawson County, between said parallel and the Muscleshell River.

On motion of Hickman the amendment was adopted.

Cooper introduced H. B. No. 34, "An Act to amend an Act relative to bounty for killing certain animals."

H. B. No. 32 was read first and second times and ordered printed.

H. B. No. 33 was read first and second times and ordered printed.

H. B. No. 34 was read first and second times and ordered printed.

On motion of Comly the House took a recess for thirty minutes.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

The following was received:

Mr. Speaker:

Your Joint Committee on Enrollment, beg leave to report that they have examined H. J. R. No. 3, and find the same correctly enrolled, and the same is herewith presented to the Speaker of this House for his signature.

BLAKE.

The Speaker announced that he had signed H. J. R. No. 3.

On motion of Comly, the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Mantle, Clutter.

On motion of Forbis H. B. No. 7 was recalled from the Committee on Engrossment.

Forbis offered the following amendment to the Bill:

SECTION 12. The County boundaries of the Counties of Gallatin and Custer are hereby altered to conform to the County boundaries of Yellowstone County, as established in this Act.

On motion of McAdow the amendment was adopted.

The following report was received:

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that the House Joint Resolution No. 3 was presented by said Committee to the Governor for his approval, on the twenty-seventh day of January, 1883, at 11:45 A. M.

BLAKE,
Chairman House Committee.

The following was presented:

Resolved : By the House, the Council concurring, that a Joint Committee of three members of the House, to act with a like Committee of the Council, be appointed to examine the books and accounts of the Territorial Auditor and Treasurer, said Committee to be empowered to employ an expert, if in their judgment it should be necessary.

HICKMAN.

On motion of Blake, the resolution was adopted, and the Chair, in conformity with the resolution, appointed Hickman, Comly and Jacobs as a Committee on the part of the House.

On motion of Comly the House took a recess for ten minutes.

House resumed.

Mr. Speaker in the chair.

The following communication was received:

TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT.
HELENA, January 26, 1883.

To the House of Representatives, Territory of Montana :

GENTLEMEN: I have the honor to inform you that I have this day approved H. J. R. No. 3, for the employment of committee clerks. Respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

Kanouse gave notice that at some future day that he would introduce "A Bill for An Act to amend Sec. 329 of the Fifth Division of the Revised Statutes of Montana."

The following reports were received :

Mr. Speaker :

Your Committee on the Judiciary have, under H. J. R. No. 3, providing for the employment of committee clerks, employed James Knapp, in accordance with such resolution.

FORBIS,
Chairman.

Mr. Speaker :

Your Committee of Ways and Means have selected Will Clark as Committee Clerk of the Committee of Ways and Means.

SETTLE,
Chairman.

On motion of Comly the House adjourned until 10 A. M. Monday.

DAVID MARKS,
Chief Clerk.

TWENTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 29th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Clutter.

Prayer by the Chaplain.

Journal of twentieth day read and approved.

The following reports were received:

Mr. Speaker:

Your Committee on Education and Labor, to whom was referred H. B. No. 27, "A bill for an Act to enable the people of Missoula and Stevensville to erect Schoolhouses in said towns," beg leave to report that they have duly considered said bill and recommend that the same do pass with the following amendments: That all that part of Section 5 beginning with the word "provided," on line 15 of said Section and ending with the word "money," on line 18 of the same be stricken out; that the number "28" be inserted after the word "the" on line 3, of Section 12, and the number "1883" be inserted after the word "April," on line 4, of said Section 12; that Section 14 be stricken from the bill and the following substituted in lieu thereof: "The intent and purport of this Act is that the Board of School Trustees of School District No. 3, and the Board of Trustees of District No. 2, shall carry out the provisions of this Act, separately, severally and independently."

Respectfully submitted.

BATTEN
Chairman.

Mr. Speaker:

Your Committee on Mines and Minerals, to whom was referred H. B. No. 31, "A bill for an Act repealing Sections 198, 199, 200, 201

and 202, Chapter XIII, Fourth Division of the Revised Statutes of Montana," have had the same under consideration and would respectfully report the bill back with the recommendation that that it do pass.

O'GRADY,
Chairman.

Mr Speaker :

Your Committee on the Judiciary, to whom was referred H. B. No. 26, "A bill for an Act to amend Section 781, Chapter XXXVII, General Laws of Montana Territory concerning Jurors," has considered the same, and hereby report a substitute therefor with recommendation that the substitute do pass.

FORBIS,
Chairman.

House Bills Nos. 27 and 31 were made Special Orders for consideration of the Committee of the Whole.

On motion of Comly the rules were suspended, H. B. No. 26 considered engrossed, read a third time by title and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—23.

Noes—None.

Absent—Clutter—1.

Title agreed to.

On motion of Hickman H. B. No. 27, with amendments, were taken from the General Orders, the amendment adopted and the bill ordered engrossed.

The following report was received :

Mr. Speaker :

Your Committee on Engrossment, to whom was referred H. B. No. 10, "An Act to amend Sec. 322 of the Fifth Division of the Revised Statutes of Montana," beg leave to report that they have examined the same and find it correctly engrossed.

MANTLE.

On motion of Forbis H. B. No. 10 was recommitted to Committee on Towns and Counties.

Notices of the introduction of Bills were given as follows:

By Jacobs—"A bill for an Act concerning County Seats."

By Mills—"A bill for an Act to provide for the protection of laborers in mines."

By Blake—"A bill to amend Section 661, of the First Division of the Revised Statutes of Montana."

Baker gave notice of the introduction of a memorial "relative to Artesian Wells."

Bills were introduced as follows:

By McAdow—H. B. No. 35, "An Act making a uniform system for drawing deeds and plans of land for record."

By Kanouse—"A bill for an Act to amend Sec. 329, of the Fifth Division of the Revised Statutes of Montana."

Settle introduced, by unanimous consent, without having given previous notice, "H. J. M. No. 2, concerning the expense for the Governor's office."

H. B. No. 35 was read first and second times and referred to the Committee on Printing.

H. B. No. 36 was read first and second times, and on motion of Comly was referred to a Committee consisting of the members of Meagher, Choteau and Lewis and Clarke Counties.

H. J. M. No. 2 was read first and second times.

Comly moved to suspend the rules, read a third time by its title, and place it upon its final passage.
Motion lost.

H. J. M. No. 2 was referred to the Committee on Federal Relations.

The following communications were received from the Council:

COUNCIL CHAMBER,
Helena, M. T., Jan. 27th, 1883.

Mr. Speaker:

I am instructed by the Council to transmit to your honorable

body the accompanying, being a true and correct copy of the communication received from the Governor, directed to both Houses, announcing his appointment as such, that he had duly qualified and appointed General H. B. Sergeant as his private Secretary.

JAMES B. WELLS,
Chief Clerk.

COUNCIL CHAMBER,
Helena, M. T., Jan. 27th, 1883.

Mr. Speaker :

I am directed by the Council to inform your honorable body that notices of the introduction of bills were given as follows:

By Chesman—A bill for “An Act to provide for the redemption of the funded debt of Lewis and Clarke County.”

By Cox—A bill entitled “An Act to amend Section 310, of Article III, Chapter XV, of the Fifth Division of the General Laws.” Also, a bill, “To fund the indebtedness of Custer County.” Also, a bill, “To enable the people of Miles City to construct a Schoolhouse.”

That notice of the following memorial to the Congress of the United States was given as follows:

By Cox, a memorial, “To reduce the Military Reservation of of Fort Keough.”

JAMES B. WELLS,
Chief Clerk.

COUNCIL CHAMBER,
Helena, M. T., Jan. 27th, 1883.

Mr. Speaker:

I am directed by the Council to inform your honorable body that the Council has adopted the Joint Rules of the 12th Session for the government of the House and Council of the Thirteenth Legislative Assembly of Montana Territory.

JAMES B. WELLS,
Chief Clerk.

COUNCIL CHAMBER,
Helena, M. T., Jan. 27th, 1883.

Mr. Speaker.

I am directed by the Council to inform your honorable body that the Resolution adopted by the House for the appointment of a Joint Committee to examine the books of the Territorial Auditor and Treasurer, has been concurred in by the Council, and in conformity there-

with Messrs. Witter, White and Morris have been appointed such Committee, on the part of the Council.

JAMES B. WELLS,
Chief Clerk.

COUNCIL CHAMBER,
Helena, M. T., Jan. 27, 1883.

Mr. Speaker.

I am directed by the Council to inform your honorable body that C. J. R. No. 1, providing for newspapers, stationery and postage stamps was, by unanimous consent, introduced by Cardwell, read first and second times, rules suspended, read third time by title and passed, and is herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

COUNCIL CHAMBER,
Helena, M. T., Jan. 27th, 1883.

Mr. Speaker :

I am directed by the Council to inform your honorable body that substitute for H. B. No. 3, a bill for "An Act providing for the redemption of the Territorial Bonds," has passed the Council and is herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

C. J. R. No. 1 was read first and second times, and on motion of Forbis the rules were suspended, the resolution read a third time by title and placed upon its final passage. The Resolution was lost by the following vote:

Ayes—Comly, Erwin, Jacobs, Malony, Mills, O'Grady, Wright,
Mr. Speaker—8.

Noes—Allen, Armstrong, Baker, Blake, Cooper, Dean, Edwards,
Forbis, Hickman, Kanouse, Mantle, McAdow, Wallace—13.

Absent—Clutter, Batten, Settle—3.

House Bills Nos. 3 and 18 were ordered enrolled.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Edwards in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of O'Grady the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Clutter.

The following reports were received :

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that they have examined H. B. No. 3, and H. B. No. 18, and find the same correctly enrolled ; and the said bills are herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker :

The Committee of the Whole House, to whom was referred H. B. No. 31, "An Act concerning unlawful interference," desire to report progress and ask leave to sit again.

EDWARDS,
Chairman.

The Speaker announced that he had signed House Bills Nos. 3 and 18.

Cooper moved that the vote by which C. J. R. No. 1 was lost be reconsidered.

The motion was lost by the following vote :

Ayes—Batten, Comly, Cooper, Jacobs, Malony, Mills, Settle, Mr. Speaker—8.

Noes—Allen, Armstrong, Baker, Blake, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Mantle, McAdow, O'Grady, Wallace—14.

Absent - Clutter, Wright—2.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Edwards in the chair.

House resumed.
Mr. Speaker in the chair.

Edwards was granted time in which to make a report of the Committee of the Whole.

On motion of Comly the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

TWENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., January 30th, 1883.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Clutter.

Prayer by the Chaplain.

Journal of the Twenty-second day read and approved.

The following reports were received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that House Bills numbered 3 and 18 were presented to the Governor for his approval at 4 o'clock P. M., on January 29, 1883.

BLAKE.

Mr. Speaker:

Your Committee on Printing have examined H. B's. No. 30 and 34, and find the same correctly printed.

DEAN,
Chairman Committee.

Mr. Speaker:

The Committee of the Whole House, to whom was referred H. B. No. 31, concerning unlawful interference, have instructed that the Bill be reported back to the House without recommendation.

EDWARDS,
Chairman.

On motion, five days further leave of absence was granted Clutter.

H. B. No. 34 was referred to Committee on Grazing and Stock Growing.

H. B. No. 30 was referred to Committee on Mines and Minerals.

H. B. No. 31 was ordered engrossed.

Blake gave notice of the introduction of the following Bills:

An Act to apportion the members of the Legislative Assembly.

An Act concerning the salary of County Treasurer.

An Act concerning the compensation of County Assessor.

Blake introduced H. B. No. 37, "An Act concerning the organization of the Legislative Assembly."

Baker introduced H. J. M. No. 3, "Asking appropriation for two artesian wells to be constructed in Montana Territory.

On motion of Mills H. B. No. 12 was taken from the table and ordered engrossed.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., January 29, 1883.

Mr. Speaker :

I am instructed by the Council to inform your honorable body that notices of the introduction of Bills were given as follows:

By Chessman—A Bill for "An Act to enable the people of Helena School District No. 1 to erect additional school buildings, and for other purposes."

By Cardwell—A Bill for "An Act in relation to wire fences."

By White—A Bill for "An Act to amend Section 587, Article 3, Fifth Division of the General Laws of Montana."

By Gillette—A Bill for "An Act relating to the official survey of the Townsite of Helena."

By Mitchell—A Bill for "An Act to prevent woman beating in the Territory of Montana."

That notice of a resolution was given by Cox—"Expressive of the sense of the Legislature, in the matter of the assassination of the Honorable James A. Garfield, President of the United States of America."

That the following Bills have passed and are herewith transmitted:

H. B. No. 2.
H. B. No. 17.
H. B. No. 23.

JAMES B. WELLS,
Chief Clerk.

The following was presented:

Resolved: By the House, the Council concurring, that the Committees on Printing of the House and Council be authorized to procure for the use of the members of the Legislative Assembly five hundred copies of the messages delivered to this Legislative Assembly by the Governors of the Territory.

BLAKE.

On motion of Blake, the resolution was adopted.

H. J. M. No. 3, was read first and second times.

On motion of Forbis, the rules were suspended, the memorial considered engrossed, read a third time by title, placed upon its final passage, and passed by the following vote:

Ayes—Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—Allen.

Absent—Clutter, Kanouse—2.

Title agreed to.

H. B. No. 37 was read first and second times and ordered printed.

H. B's. Nos. 2, 17 and 22 were ordered enrolled.

The following communication was received:

TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT,
HELENA, January 30th, 1883.

To the House of Representatives, Territory of Montana:

GENTLEMEN: I have the honor to inform you that I have this day approved the following House Bills:

"No. 3. An Act providing for the redemption of Territorial Bonds."

"No. 18. An Act concerning the Territorial Seal."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

On motion of Mills H. B. No. 12 was recalled from the Committee on Engrossment and referred to the Committee on Towns and Counties.

On motion of Batten, three days leave of absence was granted the Chaplain.

On motion of Settle, the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Clutter.

The following reports were received:

Mr. Speaker:

Your Joint Committee on Enrollment, beg leave to report that they have examined House Bills numbered 17 and 2, and find the same correctly enrolled, and the same are herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker:

Your Committee on Printing have examined H. B. No. 29, and find the same correctly printed, except the sixth word in line 3, of Sec. 15, which should read, "Trial."

DEAN,
Chairman Committee.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred H. B. No. 31, "An Act concerning unlawful interference," beg leave to report that they have examined the same and find it correctly engrossed.

MANTLE,
Chairman.

H. B. No. 29 was referred to Committee on Elections.

The Speaker announced that he had signed H. B's. Nos. 17 and 2.

On motion of Comly, the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

TWENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 31st, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the Chair.

Roll called—quorum present.

Absent on leave, Clutter.

Journal of twenty-third day read and approved.

The following communications were received:

COUNCIL CHAMBER,
Helena, M. T., January 30, 1883.

Mr. Speaker:

I am directed by the Council to inform your honorable body that the Council has reconsidered its action in reference to H. B. No. 22, and respectfully request that the same be returned to this body for amendment.

JAMES B. WELLS,
Chief Clerk.

COUNCIL CHAMBER,
Helena, M. T., January 30, 1883.

Mr. Speaker:

I am instructed by the Council to transmit to your honorable body the within copy of a communication received from His Excellency, the Governor, together with copies of the papers accompanying the same, relative to the Amsterdam International Exhibition.

Also, to give notice that notices of the introduction of Bills have been given as follows:

By Thomas—A Bill for "An Act to change Act concerning license."

Also, a Bill for "An Act to revise and revive An Act to promote the fish interest of the Territory of Montana."

Also, a Bill for "An Act to change Act entitled An Act for the protection of fish."

Also, a Bill for "An Act concerning the qualifications of electors."
 Also, a Bill for "An Act to change An Act in relation to Judges of Election in certain cases."

Also, by Thomas, notice of a Joint Memorial in relation to boundary lines of National Park.

The following Bills were introduced:

By Chessman—C. B. No. 1, a Bill for "An Act to enable the people of Helena School District No. 1 to erect additional school buildings, and for other purposes."

By Cox—C. B. No. 2, a Bill for "An Act to amend Fifth Division of the General Laws."

Also, C. B. No. 3, a Bill for "An Act to enable the people of School District No. 1 of Custer County to build a school house."

By White—C. B. No. 4, a Bill for "An Act to amend Section 587, Article 3, Fifth Division, of the General Laws of Montana."

Also, that H. J. M. No. 1 has passed this body, and is herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

The following reports were received:

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that House Bills numbered 2 and 17 were presented to the Governor for his approval, at 5 o'clock p. m., on January 30, 1883.

BLAKE.

Mr. Speaker :

Your Committee on Printing, to whom were referred H. B's. Nos. 32 and 33, beg leave to report that they have examined the same and find them correctly printed, with the following exceptions:

In H. B. No. 32, in line 67, Section 174, we find the omission of the word "*any*" between the words "*or*" and "*intoxicating liquors.*"

In H. B. No. 33, in line 3 of Section 1, we find the word "*or*" inserted in lieu of the word "*and*" in the original Bill.

Respectfully submitted,

DEAN,
 Chairman.

Mr. Speaker :

Your Committee on Territorial Affairs, to whom was referred H. J. R. No. 2, providing for the call of a Constitutional Convention, have considered the same, and are of opinion that, whereas, Washington, New Mexico, Dakota, and other Territories, that are asking at the hands of Congress admission to the sisterhood of States, have in vain presented all of the arguments that Montana can present in favor of admission, besides showing in some cases a population of some three times what we can boast of; and, whereas, in their cases Congress is not willing to admit "that the revenues, resources and population are amply sufficient to organize and maintain Statehood,"

your Committee find no reasonable ground for hope that an exception would be made in our case, or that the provisions of this Resolution, if adopted, would in any manner expedite the coming of an event, the desirability or expediency of which at present is questioned by many of our citizens. In view of the foregoing, your Committee are of the opinion that the expense of two general elections and, also, that incident to the holding of the Convention as proposed in this Resolution, and which your Committee estimate at but little less than \$40,000.00, would not be warranted by the present outlook.

With this expression of views regarding the measure, your Committee herewith report the Resolution back to the House.

KANOUSE,
WALLACE,
ARMSTRONG,
MILLS.

Mr. Speaker :

Your Committee on Towns and Counties would respectfully report H. B. No. 12, and recommend it be recommitted to the Committee on Judiciary.

McADOW,
Chairman.

H. J. M. No. 1 was ordered enrolled.

H. J. R. No. 2 was made a special order for the consideration of the Committee of the Whole.

H. B. No. 32 and H. B. No. 33 were referred to the Committee on Judiciary.

Forbis offered the following amendment to H. B. No. 12:

Amend the amendment adopted by the House by striking out the word "five," and insert the word "one" in lieu thereof, in Section 3 of the Bill as amended.

FORBIS.

A call of the House was demanded.

Allen and Mantle were found to be absent.

The Sergeant at-Arms was instructed to bring in the absentees. The absentees having appeared, on motion of Kanouse, a further call was dispensed with.

The amendment offered to H. B. No. 12 was lost by the following vote:

Ayes—Allen, Armstrong, Blake, Comly, Forbis, Hickman, Mantle, Mills, O'Grady, Wallace, Wright—11.

Noes—Baker, Batten, Cooper, Dean, Edwards, Erwin, Jacobs, Kanouse, Malony, McAdow, Settle, Mr. Speaker—12.

H. B. No. 12 was ordered engrossed.

The following reports were received :

Mr. Speaker :

Your Committee on Federal Relations, to whom was referred H. J. Memorial No. 2, "concerning the expenses of the Governor's office," beg leave to report the same back with the recommendation that it do pass.

R. O. HICKMAN,
Chairman.

Mr. Speaker :

Your Committee on Engrossment, to whom was referred H. B. No. 27, "An Act to enable the people of Missoula and Stevensville to erect school houses in said towns," has compared said Bill, and find the same correctly engrossed.

MANTLE,
Chairman.

Mr. Speaker :

Your Special Committee, to whom was referred H. B. No. 36, "An Act to amend Sec. 329 of the Fifth Division of the Revised Statutes of Montana," have considered the same, and find that its provisions harmonize a conflict at present existing in the description of the boundary line between Lewis and Clarke and Meagher Counties; that it brings within County boundaries several small tracts of land in bends of the Missouri River, not heretofore included in any County, and that it establishes a river as the line, it being a far better natural boundary than the imaginary line now existing. For these reasons your Committee recommend that the Bill do pass.

KANOUSE,
DEAN,
Meagher County.
H. R. COMLY,
R. C. WALLACE,
F. D. COOPER,
Lewis and Clarke County.
W. B. SETTLE,
JOS. A. BAKER,
Choteau County.

On motion of Kanouse, the report was adopted. H. B. No. 36 was considered engrossed, and placed upon its final passage.

On motion of Hickman, H. J. M. No. 2 was considered engrossed and placed upon its final passage.

Notices of the introduction of Bills were given as follows:

By Blake—"A Bill to create the office of Territorial Geologist."

By Armstrong—"A Bill to amend Sections 1007 and 1028 of Chapter 53, Article 1 of the Fifth Division of the Revised Statutes of Montana."

The following communication was received:

TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT.
Helena, M. T., January 31, 1883.

To the House of Representatives:

GENTLEMEN: I have the honor to inform you that I have this day approved House Bill No. 2, entitled "An Act providing for the election of public administrators."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

Bills were introduced as follows:

By Malony—H. B. No. 38, "An Act to repeal that portion of Sec. 398 of the Fifth Division of the Revised Statutes, that provides that no person shall hold the office of Sheriff more than two terms in succession."

By Blake—H. B. No. 39, "An Act concerning depositions taken out of the Territory;" also, H. B. No. 40, "An Act concerning the compensation of County Assessors;" also, H. B. No. 41, "An Act concerning the fees of County Treasurers."

The following communication from the Governor and accompanying copy of letter and telegram received by him were read:

[Copy.]
TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT.
Helena, M. T., January 30, 1883.

To the Council and House of Representatives:

GENTLEMEN: I beg herewith to enclose for your information the accompanying correspondence relating to the Amsterdam National Exhibition and the authorization given by me to Mr. Zeehandelaar for the collection of ores in this Territory.

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

[Copy.]

SALT LAKE CITY, January 12th, 1883.

His Excellency, J. S. Crosby, Governor Montana Territory, Helena :

DEAR SIR: I have the honor to inform you that I am appointed by the United States Agent General for the Holland International Exhibition, Agent for Montana for the collecting of ores for the Amsterdam World's Exhibition, to be held next summer.

A creditable exhibit of Montana's mineral wealth will undoubtedly invite capital to your Territory and assist in developing its rich resources.

In order to have a full representation of all your mines, and to see a general and lively interest taken in this important movement, I respectfully request to be recognized by you as Chief Magistrate of the Territory officially in my position as Agent for Montana.

I remain, very respectfully,

(Signed)

A. ZEEHANDELAAR.

(Official Copy) JNO. SCHUYLER CROSBY, Governor.

[Copy—Telegram.]

NEW YORK, January 13th, 1883.

To the Governor of Montana Territory :

I beg to advise Your Excellency that A. Zeehandelaar, of Salt Lake City, is appointed for collection and forwarding exhibits from Montana, Utah and Idaho Territory, for the Holland International Exhibition, to open at Amsterdam, May first, next.

Your earnest co-operation will be appreciated.

Yours faithfully,

(Signed)

S. A. WHEELWRIGHT,

General New York Agent for Holland International Exhibition.

(Official Copy) JNO. SCHUYLER CROSBY, Governor.

On motion of Blake the communications were referred to the Committee on Mines and Minerals.

H. B. No. 38 was read first and second times and referred to the Committee on Elections.

H. B.'s. Nos. 39, 40 and 41, were read a first and second times, and ordered printed.

H. B. No. 31, was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Batten, Blake, Comly, Dean, Jacobs, Malony, McAdow, Mills, O'Grady, Wright—12.

Noes—Baker, Cooper, Edwards, Erwin, Forbis, Hickman, Kanouse, Mantle, Settle, Wallace, Mr. Speaker—11.

Absent—Clutter—1.

Title agreed to.

H. J. M. No. 2 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Jacobs, Kanouse, Malony, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—None.

Absent—Clutter, Hickman, Mantle—3.

Title agreed to.

H. B. No. 36 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, McAdow, Mills, Settle, Wallace, Wright, Mr. Speaker—20.

Noes—None.

Absent—Clutter, Comly, Mantle, O'Grady—4.

Title agreed to.

On motion of Jacobs the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave. Clutter.

H. B. No. 27 was read a third time and passed by the following vote:

Ayes—Allen, Baker, Batten, Comly, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—20.

Noes—Blake, Cooper—2.

Absent—Armstrong, Clutter—2.

Title agreed to.

The following communications were received:

TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT,
Helena, M. T., January 31, 1883.

To the House of Representatives:

GENTLEMEN: I have the honor to inform you that I have this

day approved H. B. No. 17, entitled "An Act to increase the compensation and mileage of County Commissioners."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

COUNCIL CHAMBER,
Helena, M. T., January 31, 1883.

Mr. Speaker :

I am directed by the Council to inform your honorable body that notices of the introduction of Bills were given as follows:

By Hamilton—A Bill for "An Act to enable the people of Glendive, Dawson County, to erect a schoolhouse, and for other purposes."

By White—A Bill for "An Act to enable the people of Dillon School District, in Beaver Head County, to build a schoolhouse."

By Stuart—A Bill for "An Act to enable the County of Meagher to furnish the Court House and complete the jail."

That the following memorial was introduced:

By Cox—C. J. M. No. 2, "Expressive of the sense of this Legislature upon the assassination of President Garfield."

That C. B. No. 2 has passed this body and is herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Settle in the chair.

House resumed.

Mr. Speaker in the chair.

Notice was given as follows:

Mr. Speaker :

I give notice that I will on to-morrow offer a motion to reconsider the vote on House Bill No. 31.

WRIGHT.

On motion of Forbis the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

TWENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES.

Helena, M. T., February 1st, 1883.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Clutter.

Journal of the Twenty-fourth day read and approved.

The following reports were received:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred H. B. No. 28, "An Act to amend Section 1051, of the Fifth Division of the Revised Statutes of Montana," respectfully report that they have had the same under consideration, and report it back to the House with the following amendment, and with such amendment recommend that the same do pass.

SETTLE,
Chairman.*Mr. Speaker:*

Your Committee on Printing have examined H. B. No. 37 and find the same correctly printed.

DEAN,
Chairman.*Mr. Speaker:*

Your Committee, to whom was referred House Bill No. 34, beg leave to state that they have considered the bill and are unable to agree on their report. The majority of your Committee recommend that the bill do pass with the amendments herewith.

BAKER,
McADOW,
KANOUSE,
WRIGHT.

Mr. Speaker:

A minority of your Committee on Grazing and Stockgrowing, to whom was referred H. B. No. 34, a bill providing for the payment of bounty for the destruction of certain animals, recommend that in consideration of the great disparity between the number of varmints in the Territory and the number of dollars in the treasury that the bill do not pass.

EDWARDS.

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined H. J. M. No. 1, and find the same correctly enrolled, and the same is herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker:

Your Committee of the Whole House, to whom was referred H. J. R. No. 2, and the report of the Committee on Territorial Affairs, have had the same under consideration, and have instructed me to report progress, with leave to sit again.

SETTLE,
Chairman.

House Bills 28 and 34 were placed upon the General Orders for the consideration of the Committee of the Whole.

H. B. No. 37 was referred to the Committee on Territorial Affairs.

Notices of the introduction of bills were given as follows:

By Hickman—"An Act to provide for the printing of blanks for the use of the Governor."

By Batten—"A bill for an Act to amend the Montana School law."

By Baker—"A bill to amend an Act of the Twelfth Legislative Assembly relating to Railroads, Sections 2 and 7."

Wright moved to reconsider the vote by which H. B. No. 31 passed the House.

A call of the House was demanded.

The roll was called and Armstrong was found to be absent.

The Sergeant-at-Arms was instructed to bring in the absentee.

Edwards moved to dispense with the call of the House.
Motion lost.

Mr. Armstrong having appeared in his seat, on motion of Edwards a further call was dispensed with.

McAdow moved to lay the motion to reconsider H. B. No. 31 on the table.

Motion lost by the following vote:

Ayes—Allen, Armstrong, Batten, Blake, Comly, Jacobs, Malony, McAdow, Mills, O'Grady—10.

Noes—Baker, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Mantle, Settle, Wallace, Wright, Mr. Speaker—13.
Absent, Clutter.

Comly moved to adjourn. Motion lost.

The vote on H. B. No. 31 was reconsidered by the following vote:

Ayes—Baker, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Mantle, Settle, Wallace, Wright, Mr. Speaker—13.

Noes—Allen, Armstrong, Batten, Blake, Comly, Jacobs, Malony, McAdow, Mills, O'Grady—10.
Absent, Clutter.

Edwards moved that H. B. No. 31 be referred to a Select Committee, consisting of five members, with instructions to report a substitute.

Comly moved to take a recess until 2 P. M. Motion lost.

The Chair ruled the motion of Edwards out of order.

Forbis appealed from the decision of the Chair.

Comly moved to lay the appeal on the table, which was lost by the following vote:

Ayes—Allen, Armstrong, Batten, Blake, Comly, Jacobs, Malony, McAdow, Mills, O'Grady, Wright—11.

Noes—Baker, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Mantle, Settle, Wallace, Mr. Speaker—12.
Absent, Clutter.

The decision of the Chair was sustained by the following vote:

Ayes—Allen, Armstrong, Batten, Blake, Comly, Hickman, Jacobs, Malony, Mantle, McAdow, Mills, O'Grady, Wallace, Wright--14.

Noes—Baker, Cooper, Dean, Edwards, Erwin, Forbis, Kanouse, Settle--8.

Absent, Clutter.

Kanouse moved to suspend the rules and recommit H. B. No. 31 to the House, and that a Special Committee of five be appointed with instructions to report a substitute to-morrow morning. Motion lost.

On motion of Forbis the House took a recess until 2 p. m.

2 p. m.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present. Absent on leave, Clutter.

The Speaker announced that he had signed four copies of H. J. M. No. 1.

On motion of Settle the House took a recess for 15 minutes.

House resumed.

Mr. Speaker in the chair.

H. B. No. 31 passed the House by the following vote:

Ayes—Allen, Armstrong, Batten, Blake, Comly, Dean, Jacobs, Malony, McAdow, Mills, O'Grady, Wright--12.

Noes—Baker, Cooper, Edwards, Erwin, Forbis, Hickman, Kanouse, Mantle, Settle, Wallace, Mr. Speaker---11.

Absent, Clutter.

Title agreed to.

The following communication was received from the Council:

COUNCIL CHAMBER,
Helena, M. T., February 1, 1883.

Mr. Speaker:

I am instructed by the Council to inform your honorable body that C. B. No. 4 has been lost in the Council.

That Thomas introduced C. C. R. No. 2, "Relative to Yellowstone National Park."

That Chessman introduced C. B. No. 5, a bill for "An Act to pro-

vide for the redemption of the funded debt of Lewis and Clarke County, and for other purposes.”

That H. B. No. 16 has passed the Council and is herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

H. B. No. 16 was ordered enrolled.

On motion of Comly the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

TWENTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., February 2d, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Clutter.

Journal of twenty-fifth day read and approved.

The following communication was received :

COUNCIL CHAMBER,
Helena, M. T., February 1, 1883.

I am directed by the Council to inform your honorable body that C. J. R. No. 2 has been adopted by this body, and is herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

Allen introduced H. B. No. 42, “A Bill for An Act, entitled An Act to provide for the funding of the indebtedness of Jefferson County.”

McAdow introduced H. J. M. No. 4, “Concerning pleuro pneumonia in cattle.”

H. B. No. 42 was read first and second times, and referred to Committee on Towns and Counties.

H. J. M. No. 4 was read first and second times, and referred to the Committee on Grazing and Stock Growing.

C. B. No. 2, "An Act to amend the Fifth Division of the General Laws," was read first and second times and referred to the Committee on Corporations.

C. J. R. No. 2, "A resolution expressive of the sense of this Legislature upon the assassination of President Garfield," was read first and second times.

Forbis offered the following amendment:

Amend by adding to the resolution the following:

"And that a copy of this resolution be transmitted by the Chief Clerk of the Council to Lucretia R. Garfield."

On motion of Mantle the amendment was adopted.

On motion of Kanouse, the rules were suspended, the Chief Clerk was ordered to engross amendment, the resolution was read a third time by title, and placed upon its final passage, and passed by the following vote:

Ayes—Allen, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—22.

Noes—None.

Absent—Armstrong, Clutter—2.

Title agreed to.

The following reports were received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined H. B. No. 16, and find the same correctly enrolled, and the Bill is herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker:

Your Committee on Engrossment, to whom were referred House Bill No. 7, "An Act to create the County of Yellowstone, and for the election of officers thereof;" also, H. B. No. 12, "An Act to provide for the collection of special poor tax of persons who pay no property tax," beg leave to report that they have examined the same and find them correctly engrossed.

MANTLE,
Chairman.

On motion of O'Grady, Armstrong was granted leave of absence until next Monday, on account of sickness.

The Speaker announced that he had signed House Bill No. 16.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Settle in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Wallace, the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Clutter, Armstrong.

The following report was received :

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that H. B. No. 16 was presented to the Governor for his approval at 11:45 A. M., on February 2, 1883.

BLAKE.

The Committee on Mines and Minerals reported as follows :

Mr. Speaker :

Your Committee on Mines and Minerals, to whom was referred the papers relating to the appointment of A. Zeehandelaar as agent to represent Montana Territory in the great International Exhibition to be held at Amsterdam, Holland, beginning May 1st, next; and, also, the communication from Governor Crosby announcing his authorization of Mr. Zeehandelaar to act as such agent, beg leave to report as follows :

That it is the opinion of your committee that the appointment of Mr. Zeehandelaar as such agent is eminently fit and proper. And your committee would most earnestly recommend, and urge, that this opportunity for displaying to the world the immense mineral resources of our Territory be not neglected. Your committee would also further recommend that mine owners and mining superintendents, and all others interested in the success and development of this branch of industry, give prompt and immediate attention to this subject, and that they aid and assist Mr. Zeehandelaar in the furtherance of this enterprise by furnishing him all necessary information, together with sufficient ore specimens to make a full, complete, and creditable showing.

DANIEL O'GRADY,

Chairman Committee.

The following report was received :

Mr. Speaker :

Your Committee on Town and Counties would respectfully report H. B. No. 10 back to the House, recommending the following amendments :

McADOW,
Chairman.

On motion of Blake the report of the Committee on Mines and Minerals was adopted.

H. B. No. 10, with amendments, were ordered engrossed.

Notices of the introduction of Bills were given as follows :

By Baker—"A Bill for the better protection of the stock of Montana Territory."

By Forbis—"A Bill providing for the incorporation of institutions of learning."

By Kanouse—"A Bill for An Act to amend Section 10 of the Fifth Division of the Revised Statutes."

By Settle—"A. H. J. M. concerning the erection of a Custom House at Fort Benton."

Bills were introduced as follows :

By Baker—H. B. No. 43, "An Act to amend an Act for the payment of stock killed or injured by railroads."

By Settle—H. B. No. 44, "An Act concerning Notaries Public."

By Blake—H. B. No. 45, "An Act to amend an Act concerning chattel mortgages."

By Hickman—H. B. No. 46, "An Act to provide for the printing of blanks for the use of the Governor."

By Blake—H. B. No. 47, "An Act to authorize school trustees to issue bonds to build school houses."

By Forbis—H. B. No. 48, "A Bill providing for the incorporation of institutions of learning."

By Baker—H. B. No. 49, "An Act for the better protection of the stock interests of Montana Territory."

Comly moved to adjourn. Motion lost.

Mantle introduced the following resolution :

Resolved: That the Governor and Secretary, or either of them, be requested to furnish the House with copies of the printing contracts now in force in this Territory.

On motion of Blake, the resolution was adopted.

Malony moved to adjourn. Motion lost.

H. B. No. 43 was read first and second times and ordered printed.

The following communication was received from the Governor:

TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT,
Helena, M. T., February 2d, 1883.

To the House of Representatives :

GENTLEMEN: I have the honor to inform you that I have this day approved House Bill No. 16, entitled "An Act concerning Missoula County, and the election of officers thereof."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

H. J. M. No. 5, was read first and second times.

On motion of Comly, the rules were suspended, the memorial considered engrossed, read a third time by title, and passed by the following vote:

Ayes—Allen, Baker, Batten, Blake, Comly, Cocper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wright, Mr. Speaker—21.

Noes—None.

Absent—Armstrong, Clutter, Wallace—3.

Title agreed to.

H. B. No. 44 was read first and second times, and Comly offered the following amendment to the Bill:

Add to Section 1 the following words: "Or any officer or member of the Legislative Assembly," and all Acts or parts of Acts inconsistent herewith are hereby repealed.

Amend the title to read "An Act concerning oaths of office."

Amend by striking out all of Section 1. After 1, in first line, and before the word "all" in sixth line of said section.

On motion of Comly the amendment was adopted.

On motion of Comly the rules were suspended and the Bill ordered engrossed.

H. B. No. 45 was read first and second times and referred to the Committee on Judiciary.

Comly moved to adjourn. Motion lost.

H. B. No. 46 was read first and second times.

Comly offered the following amendment:

Amend Sec. 1 by inserting after the word "Territory," on 7th line thereof, "under the provisions of Chapter 51 of the Fifth Division of the Revised Statutes of Montana."

The amendment was adopted by the following vote:

Ayes—Allen, Batten, Comly, Jacobs, Malony, McAdow, Mills, O'Grady, Settle, Wright, Mr. Speaker—11.

Noes—Baker, Blake, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Mantle---9.

Absent---Armstrong, Clutter, Kanouse, Wallace---4.

On motion of Blake, Section 2 of the Bill was stricken out.

On motion of Settle, the rules were suspended and the Bill ordered engrossed.

Settle moved to adjourn. Motion lost.

H. B. No. 47 was read first and second times and ordered printed.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., February 2, 1883.

Mr. Speaker :

I am directed by the Council to inform your honorable body that notices of the introduction of Bills were given as follows:

By Thomas---A bill for "An Act entitled an Act for the incorporation of Bozeman."

Also, a bill for "An Act entitled an Act for township organization."

Also, a bill for "An Act entitled an Act for the relief of Albert W. Tanner."

By White---A bill for "An Act to amend Section 488 of the Fifth Division of the Revised Statutes of Montana."

That the following Bill was introduced:

By Mitchell---C. B. No. 16, a bill for "An Act to prevent woman-beating in the Territory of Montana," was ordered printed.

C. J. M. No. 1, "To the Congress of the United States for a reduction of the military reservation of Fort Keogh," under suspension of the rules was read third time, passed, and is herewith transmitted.

That H. C. R., "relative to printing Governor's message," has also passed, and is transmitted.

That H. B. No. 9 and substitute for H. B. No. 26 have passed, and are herewith transmitted.

That Council concurs in House amendments to C. J. R. No. 2.

JAMES B. WELLS,
Chief Clerk.

House Bills Nos. 9 and 26 were ordered enrolled.

H. B. No. 48 was read first and second times and ordered printed.

H. B. No. 49 was, by consent, withdrawn by Baker for correction.

On motion of Hickman, the House adjourned until 10 A. M. tomorrow.

DAVID MARKS,
Chief Clerk.

TWENTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 3rd, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the Chair.

Roll called—quorum present.

Absent on leave, Armstrong, Clutter.

Journal of twenty-sixth day read and approved.

The following reports were received:

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that they have examined House Bills Nos. 9 and 26, and find the same correctly enrolled, and the bills are herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker :

Your Committee on Engrossment, to whom was referred H. B. No. 10, "An Act to amend Section 332, of Fifth Division of the Revised Statutes of Montana," also, H. B. No. 46, "An Act to provide for the printing of blanks for the use of the Governor," beg leave to report that they have examined the same and find them correctly engrossed.

MANTLE,
Chairman.

H. B. No. 7 was read a third time and passed by the following vote:

Ayes—Allen, Baker, Batten, Blake, Comly, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—22.

Noes—None.

Absent—Armstrong, Clutter—2.

Title agreed to.

H. B. No. 10 was read a third time and passed by the following vote:

Ayes—Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—None.

Absent—Allen, Armstrong, Clutter—3.

Title agreed to.

H. B. No. 12 was read a third time and passed by the following vote:

Ayes—Allen, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—22.

Noes—None.

Absent—Armstrong, Clutter—2.

Title agreed to.

H. B. No. 46 was read a third time and passed by the following vote:

Ayes—Allen, Baker, Batten, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—20.

Noes—Blake, Erwin—2.

Absent—Armstrong, Clutter—2.

Title agreed to.

Speaker announced that he had signed House Bills Nos. 9 and 26.

C. J. M. No. 1, "Asking for the reduction of the military reservation of Fort Keough," was read first and second times and referred to the Committee on Public Lands.

Hickman introduced H. B. No. 50, "An Act relating to the Public Schools," read first and second times and referred to the Committee on Education and Labor.

On motion of Blake the House adjourned until 10 A. M. Monday.

DAVID MARKS,
Chief Clerk.

TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., February 5th, 1883.

House met pursuant to adjournment at 10 o'clock A. M.
Mr. Speaker in the chair.
Roll called—quorum present.
Absent on leave, Clutter.
Prayer by the Chaplain.
Journal of the Twenty-seventh day read and approved.

A petition from the City of Butte, remonstrating against the passage of a Sunday law, was read and referred to the Committee on Territorial Affairs.

The following reports were received :

Mr. Speaker :

Your Committee on Printing have examined H. B's. Nos. 35, 40 and 41, and find the same correctly printed.

DEAN,
Chairman Committee.

Mr. Speaker :

Your Committee on the Judiciary, to whom was referred H. B. No. 32, "An Act to amend the Fourth Division of the Revised Statutes of Montana, entitled Criminal Laws," has considered the same, and report the same back with recommendation that it do pass.

FORBIS,
Chairman.

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that H. B's. Nos. 9 and 26 were presented to the Governor for his approval at 12:15 P. M., on February 3, 1883.

BLAKE.

Mr. Speaker :

Your Committee, to whom was referred House Joint Memorial No. 4, beg to report same back with the recommendation that it do pass, with the accompanying amendment: Between the words "incurable" and "the" in the 17th line insert the amendment attached.

BAKER,

Chairman Committee on Grazing and Stock Growing.

Mr. Speaker :

Your Committee on Engrossment, to whom was referred House Bill No. 44, "An Act concerning oaths of office," beg leave to report that they have examined the same, and find it correctly engrossed.

MANTLE.

Mr. Speaker :

Your Committee on Towns and Counties, to whom was referred H. B. No. 42, beg leave to report the bill back with the following amendments:

That in Sec. 1, line 11, the blank be filled by inserting the word "ten," in same section, line 29, the blank be filled by inserting the word "six," in Section 8. Whenever blanks occur they be filled by inserting the word "forty." Your Committee would further recommend that Section 4, line 34, be amended by inserting between the words "to the" the words "redemption of," and the bill when so amended do pass.

McADOW,
Chairman.

H. B. No. 35 was referred to the Committee on Judiciary.

House Bills Nos. 40 and 41 were referred to the Committee on Ways and Means.

H. B. No. 32 was ordered engrossed.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., February 3, 1883.

Mr. Speaker :

I am directed by the Council to inform your honorable body that notices of the introduction of bills have been given as follows:

By Mitchell—A bill for "An Act relative to liens."

By Witter—A bill for "An Act to amend Section 10 of an Act entitled an Act to create the County of Silver Bow, and for the election of officers thereof."

By Thomas—A bill for "An Act to amend Act on Corporations, under Fifth Division of General Laws."

That the following bills were introduced:

By Hamilton—C. B. No. 7, "An Act to enable the people of Glendive to erect a schoolhouse."

By Thomas—C. B. No. 8, "An Act to repeal an Act in relation to fish."

Also, Council Bill No. 9, "An Act entitled an Act for the relief of A. W. Tanner."

Thomas also introduced C. J. R. No. 3, "To revive an Act to promote the fish interest of Montana."

That House Joint Memorial No. 3, as amended, House Joint Memorial No. 5, House Joint Memorial No. 2, House Bill No. 36, Council Bill No. 5, and House Bill No. 5 have passed the Council, and are herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

On motion of Blake, the amendments offered by the Committee on Towns and Counties to House Bill No. 42 was adopted, and the bill was ordered engrossed.

On motion, the amendments offered by the Committee on Grazing and Stock Growing were adopted, and the bill ordered engrossed.

House Joint Memorial No. 5, House Bill No. 5, House Bill No. 36, and House Joint Memorial No. 2 were ordered enrolled.

The following report was received:

Mr. Speaker :

Your Committee of the Whole House, to whom were referred H. B. No. 34, also the amendments thereto, have directed me to report the same back, with the recommendation that it be referred to a select committee of five, to be chosen by the House.

SETTLE,
Chairman.

On motion of Baker, the report was adopted.

On motion of Baker, House Bill No. 34 was referred to a committee consisting of Blake, Cooper, Batten, Mills, and Wright.

The following report was received:

Mr. Speaker :

Your Committee of the Whole House, to whom were referred H. B. No. 28, together with the substitute, have had the same under consideration, and direct me to report the same back to the House with the recommendation that it do pass.

SETTLE,
Chairman.

On motion of Comly H. B. No. 28 was recommitted to the Committee of the Whole.

The following report was received:

Mr. Speaker :

Your Committee of the Whole House, to whom were referred House Joint Resolution No. 2, have directed me to report that they have had the same under consideration, and recommend that it do pass with the accompanying amendments.

SETTLE,
Chairman.

On motion of Comly, House Joint Resolution No. 2 was recommended to the Committee of the Whole.

The House concurred with Council in amendments to H. J. M. No. 3, and it was ordered enrolled.

Notices of the introduction of bills were given as follows:

By Blake—"An Act concerning the jurisdiction of the Supreme Court."

By Mills—"A Bill for an Act to amend Section 648 of the Fifth Division of the Revised Statutes of Montana."

By Batten—"A bill for an Act concerning the sale, &c., of fire-arms and ammunition to minors." Also,

"A bill for an Act to amend Section 566 and 578 of the Code of Civil Procedure, relating to contempts." Also,

"A bill for an Act to amend Section 711 and 716 of the Fifth Division of the Revised Statutes of Montana, relating to trials of sanity."

By Baker—"A bill for the repeal of Section 10, of Article IV., of the Revised Statutes of Montana Territory."

By Erwin—"A bill relating to jurisdiction of Justices' Court."

Bills were introduced as follows:

By Kanouse—H. B. No. 51, "A bill for an Act to amend Section 10 of the Fifth Division of the Revised Statutes."

By Batten—H. B. No. 52, "A bill for an Act to amend the Montana school law."

By Armstrong—H. B. No. 53, "A bill for an Act entitled an Act to amend Sections 1007 and 1028, of Chapter 53, Article 1, of the Fifth Division of the Revised Statutes of Montana Territory."

Jacobs introduced the following:

Resolved : By the House of Representatives of the Thirteenth Legislative Assembly, the Council concurring, that the Thirteenth Legislative Assembly do, at 9 p. m., on the 1st day of March, A. D., 1883, adjourn *sine die*.

On motion of Forbis, the rules were suspended, the resolution placed upon its final passage, and passed by the following vote :

Ayes—Armstrong, Baker, Batten, Blake, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, Settle, Wallace, Wright—19.

Noes—Allen, Mr. Speaker—2.

Absent—Clutter, Comly, O'Grady—3.

Blake introduced the following :

Resolved : By the House of Representatives of the Territory of Montana that the County Clerks of the several Counties of the Territory be and they are hereby requested to report forthwith to the Speaker of the House of Representatives what sums of money, if any, have been allowed by the Board of County Commissioners of their respective Counties, or been presented for allowance to said board, as, and for attorneys' fees, for and on account of the professional advice or services of any attorney or counsellor at law, given or rendered in or about public matters, civil or criminal, in such County, from the third Monday in December, 1879, to the day of the receipt hereof, and that such County Clerks do forward such report to said Speaker forthwith by registered mail.

On motion of Blake, the resolution was adopted.

H. B. No. 51 was read first and second times, and referred to Committee on Grazing and Stock Growing.

H. B. No. 52 was read first and second times and ordered printed.

H. B. No. 53 was read first and second times and ordered printed.

Comly introduced H. J. R. No. 4, "To pay for wood cuts used in publishing marks and brands," read first and second times, and referred to the Committee on Ways and Means.

H. B. No. 44 was read a third time and passed by the following vote :

Ayes—Allen, Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—22.

Noes—None.

Absent—Clutter, Jacobs—2.

Title agreed to.

The following communication was received:

TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT,
Helena, M. T., February 3d, 1883.

To the House of Representatives:

GENTLEMEN: I have the honor to inform you that I have this day approved the following House Bills:

No. 9, "An Act concerning the compensation of the Deputy Clerk of the District Court of Dawson County."

No. 26, "An Act to exempt postmasters from jury duty."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

On motion of Allen, the rules were suspended, C. B. No. 5 read first and second times by title, and referred to a select committee, consisting of the members of Lewis and Clarke County.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Malony in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Hickman the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present. Absent on leave, Clutter.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Malony in the chair.

House resumed.

Mr. Speaker in the chair.

The following communications were received:

TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT,
Helena, M. T., February 5, 1883.

To the House of Representatives:

GENTLEMEN: I beg to transmit herewith copy of the printing

contract now in force in this Territory, as requested by your Resolution of February 3d, delivered to me this morning.

I have the honor to be, very respectfully, your obdt. servant,

JNO. SCHUYLER CROSBY,
Governor.

COUNCIL CHAMBER,
Helena, M. T., February 5, 1883.

Mr. Speaker :

I am directed by the Council to inform your honorable body that notices of the introduction of bills were given as follows :

By Bass, a bill entitled "An Act to amend Section 819, Chapter 40, of the Fifth Division of the General Laws."

By Cox, a bill for "An Act to amend Sections 343 and 344, and to repeal Sections 345, 346 and 347, of Chapter XII, of the Third Division, criminal practice Act." Also, a bill "To authenticate and legalize the official acts of certain Notaries Public."

That bills as follows were introduced :

By White, C. B. No. 10, "An Act to Amend Section 488, of the Fifth Division of the General Laws of Montana." (Ordered printed.)

By Thomas, C. B. No. 11, "An Act in relation to licensing commercial travelers." (Ordered printed.)

By Mitchell, C. B. No. 12, "An Act in relation to liens." (Ordered printed.)

By Cardwell, C. B. No. 13, a bill for "An Act to amend an Act entitled an Act regulating the Montana Library." Also, C. B. No. 14, "An Act in relation to the Law Library of Montana Territory."

That C. B. No. 1, and C. J. R. No. 4 have passed this body and are herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

The Printing contract now in force in the Territory was read and referred to the committee on the Judiciary.

The following report was received :

Mr. Speaker :

Your Joint committee on Enrollment beg leave to report that they have examined H. J. M. No. 2, and find the same correctly enrolled, and the memorial is herewith presented to the Speaker of the House for his signature.

BLAKE.

The Speaker announced that he had signed four copies of H. J. M. No. 2.

On motion of Jacobs five days' further leave of absence was granted Clutter.

On motion of Settle, the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

THIRTIETH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., February 6th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Clutter.

Prayer by the Chaplain.

Journal of twenty-ninth day read and approved.

A petition relative to the changing of the boundary line of Jefferson and Silver Bow Counties was read and referred to the members of Jefferson and Silver Bow Counties.

The following reports were received:

Mr. Speaker:

The Committee on Public lands have examined C. J. M. No. 1, concerning the military reservation of Fort Keough, and recommend that it pass.

R. H. COMLY,
Chairman.

Mr. Speaker:

Your Committee on Territorial Affairs, to whom was referred H. B. No. 37, "An Act concerning the organization of the Legislative Assembly," respectfully report the same back with the recommendation that it do pass.

KANOUSE,
Chairman.

Mr. Speaker:

Your Committee on Mines and Minerals, having considered House Bill No. 30, "An Act concerning liens upon Mines and Mills," report the same back and recommend its passage.

O'GRADY,
Chairman.

Mr. Speaker :

Your Committee on Grazing and Stock Growing, to whom was referred House Bill No. 51, beg to report it back with the recommendation that it do pass with the following amendments: Strike out all between the words "large" in the 6th line and "justices" in the 7th line of Section 1, and insert the following: "and upon due notice to the owner thereof, such owner shall be liable for all expense and costs incurred in the keeping of such animal, and giving of such notice, which shall thereupon be a lien upon such animal, and may be enforced at any time after twenty days from the giving of the notice aforesaid." Insert in the space in the second line of the second page of the same Section the word "six." Strike out all of the last line of the same Section, and add the following: "For the credit of the School District in which the owner of such animal did reside at the time the proceedings are had."

BAKER,
Chairman.

Mr. Speaker :

A majority of the Committee on Judiciary report House Bill No. 15, "An Act creating the office of County Attorney" back to the House and recommend that all after the enacting clause be stricken out, and the following be inserted in lieu thereof:

"Section 1. There shall be elected by the board of County Commissioners of each County, in which a District Attorney does not reside, a County Attorney, whose duty it shall be, in the absence of the District Attorney, to prosecute all cases in the name of the Territory of Montana, and that he shall receive a yearly salary therefor not to exceed four hundred dollars, to be allowed by the County Commissioners and paid by said Commissioners, quarterly, in the usual mode for paying County expenses. Said Attorney shall be elected annually at the first meeting of the board in March of each year, and the same board shall have power to fill all vacancies in said office.

H. R. COMLY,
W. B. SETTLE,
O. B. BATTEN.

Mr. Speaker :

A minority of your Committee on the Judiciary, to whom was referred House bill No. 15, "An Act creating the office of County Attorney," recommend the following amendments:

Amend Section 3 by inserting in line 9 of said Section, after the word "District," the words "and Probate," and strike out the word "and" before the word "District" on line 9 of said Section.

Strike out Section 5 of said Act and insert in lieu thereof the following: "Section 5. In addition to the salary provided in Section 4 of this Act, the County Attorney shall receive from the County treasury of the County in which he is elected the following fees, to wit: For collections made for the Territory or County, on all sums

of five hundred dollars or less, ten per cent thereof; on all sums over five hundred dollars, ten per cent of the first five hundred dollars and five per cent of the excess over five hundred dollars. For each conviction, in cases of misdemeanor, five dollars; for each preliminary examination, five dollars; for each criminal trial conducted by him in the District Court, ten dollars, except capital cases for which he shall receive twenty-five dollars; for drawing each indictment, five dollars; provided, no fee shall be allowed for drawing any indictment which may be quashed.

All fees in this Section hereinbefore provided shall be taxed as costs. In addition to the foregoing fees the County Attorneys shall receive twenty cents for each mile traveled in going to or returning from the Supreme Court, and shall receive twenty-five dollars for each cause tried by him in the Supreme Court. The fees in this Section provided shall be audited and allowed by the County Commissioners and paid by warrants drawn on the general fund of the County."

And as so amended a minority of your Committee recommend that the bill do pass.

BLAKE,
FORBIS.

Mr. Speaker :

Your Committee on Corporations report C. B. No. 2, "An Act to amend the Fifth Division of the General Laws" back to the House and recommend that it pass with the following amendments:

1st. Amend the Title to read "An Act concerning Railroad Corporations."

2d. Amend Section 1 by striking out the words "General Laws" in the second line of said Section, and inserting in lieu thereof the words "of the Revised Statutes of Montana."

H. R. COMLY,
Chairman.

Mr. Speaker :

Your Committee on Engrossment, to whom was referred House Bill No. 32, "An Act to amend the Fourth Division of the Revised Statutes of Montana, entitled criminal Laws," also, House Joint Memorial No. 4, "concerning Pluero-Pneumonia in cattle," beg leave to report that they have examined the same and find them correctly engrossed.

MANTLE,
Chairman.

Mr. Speaker.

Your Select Committee, to whom was referred H. B. No. 34, "An Act to amend an Act relative to bounty for killing certain animals," beg leave to report that they have considered the same, and recommend that the bill with the accompanying amendment do pass.

BLAKE,
Chairman.

H. B. No. 51 was referred to the Committee of the Whole.

House bills Nos. 30 and 37 were ordered engrossed.

House bill No. 15, with the minority and majority report of the Committee on Judiciary, were referred to the Committee of the Whole.

House bill No. 34, with the report and amendments offered by Special Committee, were referred to the Committee of the Whole.

Settle gave notice of the introduction of bills as follows:

"A bill to amend Section 452 of the Fifth Division of the Revised Statutes of Montana." Also,

"A bill to amend Section 168 of the Fourth Division of the Revised Statutes of Montana."

Bills were introduced as follows:

By Batten, H. B. No. 54, "A bill for an Act to provide for the refunding of certain outstanding bonds of Missoula County, Montana, and for other purposes." Also,

H. B. No. 55, "A bill for an Act to prohibit the sale of fire-arms and ammunition to minors."

By Erwin, H. B. No. 56, "A bill relative to the jurisdiction of Justices Court."

By Blake, H. B. No. 57, "An Act concerning the jurisdiction of the Supreme Court."

By Settle, H. B. No. 58, "An Act concerning the storage of giant powder, black powder and other combustibles."

By Mills, H. B. No. 59, "A bill for an Act to amend Section 648 of the Fifth Division of the Revised Statutes of Montana."

By Forbis, H. B. No. 60, "A bill concerning assessments upon the stock of corporations."

By Mantle, H. B. No. 61, "An Act regulating Insurance companies."

By Blake, H. J. M. No. 6, "Concerning the appointment of an additional Associate Justice of the Supreme Court of Montana Territory."

The following report was received:

Mr. Speaker :

The Select Committee of members from Lewis and Clarke County report back C. B. No. 5, "An Act to provide for the redemption of the funded debt of Lewis and Clarke County, and for other purposes," and recommend that it pass without amendment.

H. R. COMLY,
F. D. COOPER,
R. C. WALLACE,
Committee.

H. B. No. 44 was read first and second times and referred to the Committee on Towns and Counties.

H. B. No. 55 was read first and second times and referred to the Committee on Military Affairs.

House Bills Nos. 56, 57 and 58 were read first and second times and referred to the Committee on Judiciary.

H. B. No. No. 59 was read first and second times and referred to the Committee on Internal Improvements.

House Joint Memorial No. 6 was read first and second times.

Blake moved a call of the House.

A call was had; absent, Armstrong, Comly, Dean, Erwin, O'Grady.

On motion of Forbis a further call was dispensed with.

On motion of Forbis the rules were suspended, House Joint Memorial No. 6 was considered engrossed, and placed upon the calendar for a third reading.

H. B. No. 60 was read first and second times and ordered printed.

Mr. Speaker called Mantle to the chair.

Comly moved a call of the House.

A call was had; absent, Armstrong, Dean, Erwin, Jacobs.

Forbis moved to suspend a further call of the House.

Motion lost.

On motion of McAdow a further call of the House was dispensed with.

Forbis moved to take a recess until 2 p. m. Motion lost.

The clerk proceeded to read House Bill No. 61; McAdow interrupted by a motion to suspend the rules and read the bill a first and second times by title and order it printed. Motion prevailed.

Mr. Speaker took the chair.

The following reports were received :

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that they have examined House bills Nos. 5 and 36, and House Joint Memorial No. 5, and find the same correctly enrolled, and said bills and memorial are herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker :

Your printing committee have examined House bill No. 47, and find the same correctly printed.

DEAN,
Chairman Committee.

The Speaker announced that he had signed four copies of House Joint Memorial No. 5, and House bills Numbers 5 and 36.

On motion of Settle the House took a recess until 2 p. m. .

2 p. m.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Clutter.

The following communication was received :

COUNCIL CHAMBER,
Helena, M. T., February 6, 1883.

Mr. Speaker :

I am directed by the Council to inform your honorable body that notices of the introduction of bills have been given as follows:

By Chessman, a bill for "An Act to amend 'an Act entitled an Act to incorporate the city of Helena, approved February 22, 1881.'"

By Mitchell, a bill for "An Act amendatory of an Act, entitled an Act to require persons keeping saloons or gambling houses to prohibit boys from stopping therein."

That the following, House bill Number 22, as amended, House bill Number 21, as amended, have passed the Council and are herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

The following report was received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined C. J. R. No. 2, and H. J. M. No. 3, and find the same correctly enrolled, and the resolution and memorial are herewith presented to the Speaker of the House for his signature.

BLAKE.

H. B. No. 32 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Comly, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—None.

Absent—Clutter, Cooper, Erwin—3.

Title agreed to.

H. J. M. No. 4 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—22.

Noes—None.

Absent—Erwin, Clutter—2.

Title agreed to.

House Joint Memorial Number 6 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—22.

Noes—None.

Absent—Clutter, Erwin—2.

Title agreed to.

The Speaker announced that he had signed four copies of House

Joint Memorial Number 3, and two copies of C. J. R. No. 2.

Council bill No. 5 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—22.

Noes—None.

Absent, Clutter, Erwin—2.

Title agreed to.

Council Joint Memorial Number 1, was read a third time, and by unanimous consent the Memorial was referred to the Committee on Towns and Counties.

On motion of Blake the amendments offered by the Committee on Corporations to C. B. No. 2 were adopted and the amendments ordered engrossed.

The following report was received:

Mr. Speaker:

Your Committee of the Whole House, to whom was referred H. B. No. 28, with amendments, beg leave to report that we have had the same under consideration, and I am instructed to report the accompanying substitute back with the recommendation that it be adopted in lieu of said bill, and that the same do pass.

MALONEY,
Chairman.

On motion of Hickman the substitute offered by the Committee for House Bill No. 28, was adopted.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Blake in the chair.

House resumed.

Mr. Speaker in the chair.

Blake was granted time in which to make a report of the Committee of the Whole.

On motion of Cooper the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 7th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the Chair.

Roll called—quorum present.

Absent on leave, Clutter.

Prayer by the Chaplain.

Journal of thirtieth day read and approved.

A petition from the Justices of the Supreme Court, asking for an appropriation of \$2,000.00 for the benefit of the Territorial Law Library, was read and referred to the Committee on Judiciary.

The following reports were received:

Mr. Speaker:

Your Committee on Territorial Affairs, to whom was referred H. B. No. 19, "An Act to provide for the better observance of Sunday as a day of rest," have considered said bill, and a minority of said committee are of opinion that it supplies a growing want in this Territory, and meets the wishes of a large class of our population, whose views on measures, affecting themselves at least, are deserving of serious consideration at the hands of the law-making power. We allude to the young business men of our cities and towns.

While in theory we allow every citizen to regulate the matter of his own observance or non-observance of Sunday as a day of rest, yet capital has and does, in the absence of some regulation of law, such as this bill provides, dictate to labor when and for how long it may rest. As well can the employee in the civil service refuse to comply with the request for a contribution for political purposes made by the party in power, as labor in the unorganized condition in which it is usually found in a new or sparsely settled country, refuse to make Sunday the connecting link that shall shut out all rest from the unceasing battle with time that man wages well when he bears its brunt for six days in the week. And yet, in face of the cry for rest for over-worked humanity that comes from the ranks of labor up to legislative halls, each year growing louder and more importunate, we hear from

some the accusing cry of bigotry, Puritanism, curtailment of constitutional rights. And gentlemen desire that justice shall look through their glasses at these ghosts that their imagination has conjured up.

A minority of your committee, without entering into any discussion as to the origin of the custom of observing Sunday, simply submit that such origin has somewhat of foundation in the necessities of our nature; that the Sunday that secures rest is pre-eminently the poor man's day; that in the influence it exerts and in the spirit in which it is observed it is distinctly an American institution, and as such should be carefully guarded; that provisions such as this bill contemplates do not, as one of the reports on said bill would have us believe, require any religious observance of the day, a statement fully sustained by United States Courts in decisions upholding laws of this character that prevail in most, if not all, of the older settled States.

With this brief reference to what we conceive to be meritorious features in this bill, a minority of your committee recommend that it do pass.

KANOUSE.

Mr. Speaker :

Your Committee on Territorial Affairs, to whom was referred H. B. No. 19, "An Act to provide for the better observance of Sunday as a day of rest," have considered the same, and a majority of your Committee beg leave to report said bill without recommendation.

MILLS,
WALLACE.

Mr. Speaker:

A minority of your committee, to whom was referred H. B. No. 19, "A bill for the better observance of Sunday," make the following report: That they have given the matter their careful attention, and find that the custom of observing Sunday as a day of rest is, and has been, from time immemorial, a religious rite or ceremony, and was originally an institution of Paganism, and had been for ages before the Mosaic law purported to have been written.

That in the ancient days of the Christian Church a very large majority of its adherents denied the binding force of the Mosaic law, and discarded the observance of Sunday as well as some other Jewish rites and customs, and that through the influence of the clergy, who could not be reconciled to such a loss of power, Constantine was induced to re-establish the observance of Sunday, which he did by an edict issued in the year, A. D., 321. The edict of Constantine was as follows:

"Let all judges and all people of the towns rest, and all the various trades be suspended, on the venerable day of the Sun. Those who live in the country, however, may freely, and without fault, attend to the cultivation of the fields, lest, with the loss of favorable opportunity, the commodities offered by Divine Providence should be destroyed." Thus centuries of the Christian era passed away before the Sunday was observed by the Christian Church as a Sabbath.

During the sixth century, the Council of Orleans recommended the observance of Sunday as the Sabbath by all classes, and from that time until the seventeenth century the day, once consecrated to the orb of light, was gradually overspread with the thick clouds of theological gloom. In Great Britain, and the American colonies in particular, the most rigid observance of the day was enjoined. No amusement was innocent, the face of art was veiled, the tongue of music was silenced, every avenue of social enjoyment and rational happiness was barricaded, with the intent of making of the Sabbath a prison, with places of public worship as a prison yard.

A minority of your committee believe that the government has nothing to do with religious beliefs and opinions; that to enforce the observance of this custom upon those who refuse to accept the religious system of which it is a part, is a subversion of the principles upon which our government is based.

That the moral conduct of its citizens is all that rightfully concerns it.

That the Christian Sabbath is not a moral, but a religious institution, and as such belongs to the Church and not to the State.

That against such a law every honest man ought to protest.

That justice would not be subserved by the enforcement of such law; that whatever is a wrong on Monday is a wrong on Sunday, and whatever is lawful on Monday cannot, in justice, be unlawful on Sunday.

That every one has a right to determine for himself, not only which shall be his sacred day, but also in what manner it shall be observed; that the people of this country should be allowed to enjoy that entire civil and religious freedom which the genius of our constitution guarantees them.

That education is leading us forth step by step from the gloomy Puritanical prison, in which we have been intellectually enslaved, into the grand palace of nature; that these old dogmas and superstitions are fast crumbling to decay before an advanced and higher education and civilization, and not ambitious to be found supporting the tottering edifice, we recommend that the bill do not pass.

ARMSTRONG.

On motion of Allen, the reports received with H. B. No. 19 were made a special order for 2:15 P. M., on Saturday.

The following reports were received:

Mr. Speaker :

Your Committee on Territorial Affairs, to whom was referred H. B. No. 25, "An Act in relation to printing," have considered the same, and a majority of said committee respectfully report the ac-

companying amendment, which they recommend be adopted, and that the bill so amended do pass.

KANOUSE,
MILLS,
ARMSTRONG.

Mr. Speaker :

I beg leave to submit a minority report of the Committee on Territorial Affairs, to whom was referred House Bill No. 25.

Having carefully examined the same, I am of the opinion that the bill upon the whole is a good one. Among its other merits may be mentioned the fact, that it reduces the maximum price to be paid for public printing, and provides for the further reduction of the same, by placing in open market the contract for said printing, to be awarded to the lowest responsible bidder, as of right it should be.

Therefore, I would respectfully recommend that the bill do pass.

WALLACE.

Mr. Speaker :

Your Committee on Engrossment, to whom were referred H. B. No. 42, "A bill for an Act to provide for the funding of the indebtedness of Jefferson County;" also, H. B. No. 37, "An Act concerning the organization of the Legislative Assembly;" also, H. B. No. 30, "An Act concerning liens upon mines and mills;" also, substitute for H. B. No. 28, "An Act to amend Section 1051 of the Fifth Division of the Revised Statutes of Montana;" also, C. B. No. 2, "An Act to amend the Fifth Division of the General Laws," with amendments to same, beg leave to report that they have examined the same, and find them correctly engrossed.

MANTLE,
Chairman.

Mr. Speaker :

Your Committee on Towns and Counties, to whom was referred H. B. No. 54, "An Act to provide for the refunding of certain outstanding bonds of Missoula County, and for other purposes," have had the same under consideration, and would respectfully report it back to the House, with the recommendation that the bill do pass.

McADOW,
Chairman.

On motion of Batten the rules were suspended. H. B. No. 54 was considered engrossed, and placed upon the calendar for a third reading.

H. B. No. 25, with the majority and minority reports of the Committee on Territorial Affairs thereon, were made a special order for the consideration of the Committee of the Whole.

The following report was received:

Mr. Speaker:

Your Committee of the Whole House, to whom were referred H. B. No. 15, entitled "An Act creating the office of County Attorney," and the reports of the majority and minority of the Committee on the Judiciary thereon, beg leave to report that the same have been considered, and the committee have directed me to report the bill back to the House with the accompanying amendments in said minority report, and recommend that the bill as so amended do pass.

BLAKE.

Blake moved to adopt the amendment offered by the Committee of the Whole.

Comly moved to amend by adopting the amendment offered by a majority of the Judiciary Committee.

Forbis moved a call of the House.

A call was had.

Absent—Baker, Erwin, Malony.

The Sergeant-at-Arms was instructed to bring in the absentees.

McAdow moved to suspend further proceedings under the call. Motion lost.

On motion of Forbis, a further call of the House was dispensed with.

On motion of Forbis the report of the Committee of the Whole on H. B. No. 15, with the motion of Blake and amendment of Comly, were made a special order for 2:30.

Notices of the introduction of bills were given as follows:

By Blake—"A bill to authorize County Commissioners to issue bonds to redeem outstanding indebtedness."

By Hickman—"A bill to amend Section 504 of the Fifth Division of the Revised Statutes of Montana."

On motion of Jacobs, Council amendments to H. B. No. 21 were concurred in, and the bill ordered enrolled.

On motion of Settle, Council amendments to H. B. No. 22 were concurred in, and the bill was ordered enrolled.

H. B. No. 42 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Batten, Blake, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—22.

Noes—None.

Absent—Baker, Clutter—2.

Title agreed to.

H. B. No. 28 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Batten, Blake, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, Settle, Wallace, Wright, Mr. Speaker—20.

Noes—Comly, O'Grady—2.

Absent—Baker, Clutter—2.

Title agreed to.

The following report was received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined H. B. No. 22, and find the same correctly enrolled, and the bill is herewith presented to the Speaker of the House for his signature.

Speaker announced that he had signed House Bill No. 22.

On motion of Hickman, the rules were suspended, House Bill No. 54 was read a third time by title, and passed by the following vote:

Ayes—Allen, Armstrong, Batten, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker—20.

Noes—Blake—1.

Absent—Baker, Clutter, Settle—3.

Title amended by striking out the words "A bill."

By unanimous consent, Comly introduced H. B. No. 62, "An Act for the purpose of protecting the water rights for agricultural purposes." On motion of Comly the rules were suspended, the bill read first and second times by title, and referred to the Committee on Judiciary.

On motion of Forbis the House took a recess until 2 p. m.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present. Absent on leave, Clutter.

House Bill No. 37 was read a third time.

On motion of Comly the rules were suspended, and the bill re-committed to the Committee on Judiciary for the purpose of amendment.

House Bill No. 30 was read a third time and passed by the following vote:

Ayes—Armstrong, Batten, Blake, Comly, Cooper, Dean, Edwards, Erwin, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wright, Mr Speaker—18.

Noes—Forbis, Hickman, Wallace—3.

Absent—Allen, Baker, Clutter—3.

Title agreed to.

The hour of 2:30 having arrived, the time set for the consideration of House Bill No. 15, and the motion of Blake and the amendment of Comly, the motion and amendment were brought before the House.

Comly moved a call of the House.

A call was had; absent, Baker, McAdow.

On motion of Blake, a further call was dispensed with.

On motion of Edwards, leave of absence for the day was granted to Baker on account of sickness.

The amendment offered to the motion of Blake, that the majority report of the Judiciary Committee be adopted, was lost by the following vote:

Ayes—Armstrong, Batten, Comly, Dean, Kanouse, McAdow, Mills, O'Grady, Settle—9.

Noes—Allen, Blake, Cooper, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, Wallace, Wright, Mr. Speaker—13.

Absent—Baker, Clutter—2.

Comly moved to submit House Bill No. 15, with both the majority and minority reports, to a select committee, consisting of one member from each County.

Motion lost by the following vote:

Ayes—Allen, Armstrong, Batten, Comly, Dean, Kanouse, McAdow, Mills, O'Grady, Settle—10.

Noes—Blake, Cooper, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, Wallace, Wright, Mr. Speaker—12.

Absent—Baker, Clutter—2.

Batten moved to recommit House Bill No. 15 to Committee on Towns and Counties.

Motion lost by the following vote:

Ayes—Armstrong, Batten, Comly, Dean, Kanouse, McAdow, Mills, O'Grady, Settle—9.

Noes—Allen, Blake, Cooper, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, Wallace, Wright, Mr. Speaker—13.

Absent---Baker, Clutter---2.

Forbis moved the previous question.

The question being stated, "Shall the main question be now put," was carried and so ordered.

Comly moved a call of the House.

A call was had; all present.

McAdow offered the following amendment to H. B. No. 15:

"In line 3, section 5, insert after the word 'fees,' that maximum of said fees shall not exceed the sum of \$500.00."

Amendment lost.

The minority report of the Committee on Judiciary to House Bill No. 15, with amendments, were adopted by the following vote:

Ayes—Batten, Blake, Cooper, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, Wallace, Wright, Mr. Speaker—13.

Noes—Allen, Armstrong, Comly, Dean, Kanouse, McAdow, Mills, O'Grady, Settle—9.

Absent---Baker, Clutter---2.

Batten gave notice of a motion to reconsider.

Blake moved to reconsider the vote.

Forbis moved to lay the motion to reconsider on the table, which was carried by the following vote:

Ayes—Blake, Cooper, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, Wallace, Wright, Mr. Speaker---12.

Noes—Allen, Armstrong, Batten, Comly, Dean, Kanouse, McAdow, Mills, O'Grady, Settle---10.

Absent---Baker, Clutter---2.

The following communications were received :

TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT.

Helena, M. T., February 7th, 1883.

To the House of Representatives :

GENTLEMEN: I have the honor to inform you that I have this day approved the following House Bills:

No. 22, "An Act fixing the punishment in cases of assault and battery."

No. 36, "An Act to amend Section 329 of the Fifth Division of the Revised Statutes of Montana."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,

Governor.

COUNCIL CHAMBER,

Helena, M. T., February 7, 1883.

Mr. Speaker :

I am directed by the Council to inform your honorable body that the Rev. L. L. Wood has been elected Chaplain of the Council.

That notices of the introduction of bills have been given as follows:

By White---A bill for "An Act defining the crime of polygamy, and providing for the punishment thereof."

By Bass---A bill to amend "An Act entitled an Act in relation to fees of County Clerks."

Also, a bill entitled "An Act to provide compensation for Deputy District Clerks."

By Witter---A bill for "An Act concerning records of placer mining locations."

Also, a bill for "An Act to prohibit gaming in certain places"

By Gillette---A bill for "An Act changing the name of Johannes Gustafsson to John G. Hulten."

By Hamilton---A bill "Asking an appropriation for the Historical Society of Montana, for the purpose of gathering important statistics, as regards the early settlement of this Territory."

That the following bills were introduced :

By Chessman---C. B. No. 15, "An Act to amend an Act to incorporate the City of Helena, approved February 22d, 1881."

By Witter---C. B. No. 16, "An Act to amend an Act entitled an

Act to create the County of Silver Bow, and for the election of officers thereof."

By Mitchell---C. B. No. 17, "An Act to amend an Act entitled an Act to require persons keeping saloons or gaming houses to prohibit boys from stopping therein."

That H. J. M. No. 6 and H. J. M. No. 4 have passed this body, and are herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

The following report was received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that House Bills, numbered 5, 22 and 36, were presented to the Governor for his approval at 12:30 p. m., on February 7, 1883.

BLAKE.

H. J. M. Nos. 4 and 6 were ordered enrolled.

Edwards offered the following:

Resolved: That the Governor be and is hereby requested to furnish to the House of Representatives a copy of all contracts now in force for keeping the Territorial insane and convicts.

On motion of Hickman, the resolution was adopted.

The following notice was given:

Mr. Speaker:

I hereby give notice that I will on to-morrow, or some subsequent day, introduce a bill concerning the change of names.

BLAKE.

Forbis offered the following amendment to H. B. No. 15:

Amend section 5 of the bill, as amended, by adding thereto the following:

"But in no case shall the fees allowed by this section (not to include mileage) exceed in amount the sum of seven hundred dollars, in any county, and the County Attorney shall furnish to the County Commissioners a statement of all fees received, which, together with the fees allowed by the County Commissioners, shall not exceed seven hundred dollars."

Forbis moved to adopt the amendment.

Kanouse moved to strike out "seven hundred dollars" and insert in lieu thereof "five hundred dollars." Amendment lost.

Batten moved a call of the House.

A call was had. Absent, Comly, Erwin.

On motion of Forbis a further call of the House was dispensed with.

The amendment offered by Forbis was adopted by the following vote:

Ayes—Allen, Blake, Cooper, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—17.

Noes—Armstrong, Batten, Dean—3.

Absent—Baker, Clutter, Comly, Erwin—4.

H. B. No. 15 was ordered engrossed.

On motion of Hickman, the House adjourned until 10 A. M. tomorrow.

DAVID MARKS,
Chief Clerk.

THIRTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 8th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.
Mr. Speaker in the Chair.
Roll called—quorum present.
Absent, Baker : absent on leave, Clutter.
Prayer by the Chaplain.
Journal of thirty-first day read and approved.

A petition from J. X. Beidler, asking for an appropriation for past services performed in the Territory, was read and referred to the Committee on Ways and Means. Also,

A petition from citizens of Boulder Valley, relative to fish interest, and referred to the Committee on Internal Improvements.

The following reports were received :

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that they have examined H. B. No. 21 and H. J. M. No. 6, and find the same correctly enrolled, and said bill and memorial are herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker :

Your Committee on Printing have examined H. B's Nos. 39 and 43, and find the same correctly printed, with exception of an omission on fifth line of Sec. 1, in H. B. No. 39, where the word "to" should be inserted after word "giving."

DEAN,
Chairman Committee.

Mr. Speaker :

Your Committee on Territorial Affairs, to whom was referred H. B. No. 47, "An Act to authorize School Trustees to issue bonds to build school houses," have considered said bill and recommend that

the amendment herewith be adopted, and as so amended that the bill do pass.

KANOUSE,
Chairman.

Mr. Speaker :

Your Committee on Elections, to whom was referred H. B. No. 38, recommend that it do pass, for the following reasons:

That your Committee believe that it is to the best interest of the several Counties of this Territory, that Sheriffs be allowed to hold office more than two terms in succession, as the efficiency of an officer in a great degree depends upon his experience, and that experience can only be acquired by time, and upon the efficiency of the Sheriff in a great measure depends the expense attendant upon his office. For these reasons your Committee would recommend that the bill do pass.

MALONY,
Chairman of Committee on Elections.

Mr. Speaker :

Your Committee on Engrossment, to whom was referred H. B. No. 15, a bill for "An Act creating the office of County Attorney," beg leave to report that they have examined the same, and find it correctly engrossed.

MANTLE,
Chairman.

H. B. No. 43 was referred to the Committee on Grazing and Stock Growing.

H. B. No. 39 was referred to the Committee on Judiciary.

On motion of Blake, the amendments offered by the Committee on Territorial Affairs to H. B. No. 47 were adopted, and the bill ordered enrolled.

H. B. No. 38 was, on motion of Blake, placed on the General Orders for the consideration of the Committee of the Whole.

The following report was received:

Mr. Speaker :

Your Committee of the Whole, who have had under consideration H. J. R. No. 2, beg leave to report that it was amended as follows: The word "and" in the third section of the preamble, in line 2 was stricken out in printed copy, down to the word "now" in the fifth section of the preamble. Also strike out in the third line of the first resolve the words "Tuesday, the 3d day of July, A. D., 1883," and insert in lieu thereof the words "The second Monday in January, 1884." Also strike out of the first line of the second resolve the

words "thirty-nine," and insert in lieu thereof the words "forty-five." That in event of the formation of the County of Yellowstone, two delegates shall be elected from said County, and three from the County of Custer, but in case Yellowstone County is not formed, Custer County shall have five delegates. Also that six delegates at large shall be elected, two from each Judicial District, but no elector shall vote for more than one delegate at large upon his ballot. Also to strike out of line 2 of the third resolve, "Tuesday, the first day of May," and insert in lieu thereof "The first Tuesday after the first Monday in November." Add to the fourth resolve: "Provided that no member shall draw a *per diem* of more than 20 days." In line 5 of the 6th resolve strike out "a" and insert "the." Strike out of the sixth line of the sixth resolve, "On Tuesday, the 6th day of," and insert in lieu thereof "the first Tuesday after the first Monday in." Also strike out of the seventh line "1883" and insert "1884." With these amendments your Committee recommend that it do pass.

MALONEY,
Chairman.

On motion of Hickman, the report and amendments were adopted.

Kanouse offered the following amendment:

Amend third line, seventh subdivision, by inserting word "part" after word "such."

On motion of Blake the amendment was adopted.

H. J. R. No. 2 was ordered engrossed.

Bills were introduced as follows:

By Batten—H. B. No. 63, "An Act to amend the Code of Civil Procedure relating to contempts."

By Blake---H. B. No. 64, "An Act concerning the change of names of persons."

By Mantle---H. B. No. 65, "A bill to amend an Act entitled an Act to incorporate the Town of Butte." Also,

House Bill No. 66, "A bill providing for the punishment of persons obstructing railroads."

By Settle---H. B. No. 67, "An Act to amend Section 451 of the Revised Statutes of Montana."

On motion of Mantle, the message of Governor Crosby was made a Special Order for consideration of the Committee of the Whole.

C. J. R. No. 4 was read first and second times, and referred to the Committee on Internal Improvements.

C. B. No. 1 was read first and second times, and referred to a committee consisting of members residing in Helena School District.

The Speaker announced that he had signed H. B. No. 21 and H. J. M. No. 6.

On motion of Comly the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave. Clutter, Baker.

Forbis, by unanimous consent, introduced H. B. No. 68. "A bill to amend Chapter XX, of the Fifth Division of the Revised Statutes of Montana relating to divorce."

The following report was received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that H. B. No. 21 was presented to the Governor for his approval on February 8, 1883, at 1 P. M.

BLAKE.

House bill Nos. 63 and 64 were read first and second times, and referred to the Committee on Judiciary.

House bill No. 65 was read first and second times, and on motion of Mantle was referred to a select committee consisting of the members from Silver Bow County.

H. B. No. 66 was read first and second times.

Mantle moved a call of the House.

A call was had; absent, Comly, Erwin, Kanouse, Malony, O'Grady, Wallace, Wright.

On motion of Batten a further call was dispensed with.

H. B. No. 66 was referred to the Committee on Judiciary.

On motion of Blake leave of absense for the day was granted Baker on account of sickness.

Settle moved to take a recess until 3:20 Motion lost.

H. B. No. 67 was read first and second times.

Forbis offered to amend as follows:

By striking out all after and including the word "provided" in the bill.

On motion of Forbis the rules were suspended and the bill as amended ordered engrossed.

Settle moved to adjourn. Motion lost.

H. B. No. 68 was read first and second times and referred to the Committee on Judiciary.

The following communication was received:

TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT,
Helena, M. T., February 8th, 1883.

To the House of Representatives:

GENTLEMEN: I respectfully return House bill No. 5, entitled "An Act to provide for the formation of building Associations," without my signature, and with my objections.

Section 1 of the bill proposed is as follows: "Corporations may be organized for the erection of buildings and making other improvements on real property."

Section 7 is as follows: "The provisions of Chapter XV, Article I, of the Fifth Subdivision of the Revised Statutes of Montana, except the provisions of Section 255 and 260 of said Chapter, shall apply to all corporations created under the provisions of this Act."

The Sections 255 and 260 thus excepted in the preceding paragraph, are safeguards against the abuse of some of the enormous powers given by Article I, Chapter XV, Fifth Division Revised Statutes, which Article, by the House bill herewith returned, is made a part of the bill, so that the bill presented to me with the title of "An Act to provide for the formation of building associations," allows all other improvements on real property, under a sweeping statute of forty-eight Sections, deprived of two important safeguards to the public.

The safeguards in the excepted Sections are important. One, of them, in Section 255, is that until the stock of a corporation is fully paid up the stockholders shall be liable. The other, in Section 260, is that "No loan of money shall be made by any such company to any

stockholder therein." But the bill returned without my signature, though claiming all the vast powers contained in Article I, Chapter XV, of the Revised Statutes, except these two Sections, provides that "Stockholders shall be especially favored in loans," and that the capital need not be paid up for "ten years" without any liability of the stockholders, i. e., without any of that security to the public which Chapter XV, Article I, provides. The bill is, therefore, in my judgment, a vague and possibly an enormous supplement to a sweeping statute already existing, and a supplement deprived of two important safeguards which are an offset to its great powers granted to corporations.

Without dwelling on other objections that occur to me, I will mention one. Section 5 of the bill returned provides as follows: "Installments paid on shares of stock held in any such corporations, by a married woman an executor, administrator or minor, may, in the discretion of the board of directors, and with the consent of such married woman, executor, administrator or the guardian of such minor, be repaid to such married woman, executor, administrator, or to the guardian of such minor, and the same shall be a valid payment, and the shares of stock on which such repayments have been made, cancelled." Section 2 of the returned bill empowers a corporation to borrow money, i. e., run in debt. Section 265, of Article I, Chapter XV, revised Statutes, enacts that capital stock shall not be reduced, if its debts exceed the amount of the capital so reduced, and that its debts shall be diminished in proportion, if above it. Though, of course, nothing was further from the minds of the honorable Legislature than injustice, more powerful machinery cannot well be devised than is found in three preceding paragraphs, and the "ten years" limit for paying up capital to wrong creditors and feeble investors, if the corporation proposed by the bill should not succeed. Or to freeze out "married woman," "minors," and all *ces tui sique trusts* if it should be desirable to limit the fortunate stockholders to a small number behing the scenes. The power of incurring debt and the vague power of assessment provided in Section 3, of the returned bill, may be made engines of terror to extort "consent." Because the purpose expressed in the simple title of the returned bill may be easily effected by adding, with some slight additional legislation, "building corporations" to the class of industries provided for by Article I, Chapter XV, Fifth Division Revised Statutes of Montana, without the objectionable features that deter me, I very respectfully return House bill No. 5 without my signature.

JNO. SCHUYLER CROSBY,

Governor.

On motion of Blake the vote by which House bill No. 5 passed was reconsidered, and the bill was made a Special Order for 10:30 to-morrow.

On motion of Settle the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,

Chief Clerk.

THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., February 9th, 1883.

House met pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Clutter.

Prayer by the Chaplain.

Journal of the Thirty-second day read and approved.

H. B. No. 15 was read a third time.

McAdow moved a call of the House.

A call was had. Absent, Batten, Comly.

Forbis moved to dispense with a further call.

Motion lost.

The absentees having appeared in their seats, a further call was dispensed with.

During the debate upon H. B. No. 15, Blake moved the previous question. The question being stated, "Shall the previous question be now put," was carried.

H. B. No. 15 passed by the following vote:

Ayes—Blake, Cooper, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, Wallace, Wright, Mr. Speaker—12.

Noes—Allen, Armstrong, Baker, Batten, Comly, Dean, Kanouse, McAdow, Mills, O'Grady, Settle—11.

Absent—Clutter—1.

Title agreed to.

Forbis moved to reconsider the vote by which H. B. No. 15 was passed:

On motion of Blake, the motion to reconsider was laid on the table by the following vote:

Ayes—Allen, Baker, Blake, Cocper, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, Wallace, Wright, Mr. Speaker—14.

Noes—Armstrong, Batten, Comly, Dean, Kanouse, McAdow, Mills, O'Grady, Settle—9.

The hour having arrived for which the objections of the Governor to House Bill No. 5 was made a Special Order, the matter was brought before the House.

Comly moved to postpone the consideration of House Bill No. 5 until one week from to-day, which motion was lost by the following vote:

Ayes—Allen, Comly, Dean, Malony, McAdow, Mills, O'Grady, Mr. Speaker—8.

Noes—Armstrong, Baker, Blake, Cooper, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, Settle, Wallace, Wright—14.
Absent—Batten, Clutter—2.

Settle moved a call of the House.

A call was had; absent, Batten.

The absentee having appeared in his seat, a further call was dispensed with.

The Speaker called Kanouse to the chair.

The question being put, "Shall House Bill No. 5 now pass, the objections of the Governor to the contrary notwithstanding," the bill was lost by the following vote:

Ayes—Baker, Blake, Jacobs, Malony, McAdow, Settle, Mr. Speaker—7.

Noes—Allen, Armstrong, Batten, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Mantle, Mills, O'Grady, Wallace, Wright—16.

Absent—Clutter—1.

On motion of Malony the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Clutter.

The following communication was received :

COUNCIL CHAMBER,

Helena, M. T., February 8, 1883.

Mr. Speaker :

I am directed by the Council to inform your honorable body that House Bill No. 31 has been lost in the Council, and is herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

The following report was received :

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that they have examined Council Bill No. 5 and House Joint Memorial No. 4, and find the same correctly enrolled, and the bill and memorial are herewith presented to the Speaker of the House for his signature.

BLAKE.

C. B. No. 2 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Blake, Comly, Dean, Edwards, Forbis, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker---18.

Noes—Cooper, Hickman---2.

Absent---Batten, Clutter, Erwin, Settle---4.

Title agreed to.

The following reports were received :

Mr. Speaker :

Your Committee on Engrossment, to whom was referred House Bill No. 47, "An Act to authorize School Trustees to issue bonds to build school houses;" also House Bill No. 67, "An Act to amend Section 452 of the Revised Statutes of Montana," beg leave to report that they have examined the same and find them correctly engrossed.

MANTLE,
Chairman.

Mr. Speaker :

Your Printing Committee have examined House Bill No. 52, and find the same correctly printed, except a few slight typographical

errors. That House Bills Nos. 60 and 61 have been returned by the Secretary of the Territory, not printed for want of funds at his disposal for that purpose.

DEAN,
Chairman.

On motion of Comly, House Bills Nos. 60 and 61 were recommended to the Committee on Printing, with instructions to have the same printed under the General Printing Law of the Territory.

On motion of Blake, the rules were suspended, and House Bill No. 52 was made a General Order for consideration of the Committee of the Whole.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Hickman in the chair.

House resumed.

Mr. Speaker in the chair.

The following communications were received:

TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT,
Helena, M. T., February 9th, 1883.

To the House of Representatives:

GENTLEMEN: I beg to transmit herewith copy of the Contract now in force for keeping of the Territorial insane and convicts, as requested by your resolution of February 7th, delivered to me this morning.

I have the honor to be, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT,
Helena, M. T., February 9th, 1883.

To the House of Representatives:

GENTLEMEN: I have the honor to inform you that I have this day approved House Bill No. 21, entitled "An Act to provide for the refunding of the bonded indebtedness of Beaverhead County."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

The copies of contracts accompanying the communications of the

Governor were read, and, on motion of Comly, referred to the Committee on Corporations.

Notice was given as follows:

Mr. Speaker :

I will, on the 16th inst., or on some subsequent day, introduce a bill entitled "An Act for the formation of Building Associations."

SETTLE.

On motion of Malony the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

THIRTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., February 10th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Clutter.

Prayer by the Chaplain.

Journal of thirty-third day read and approved.

The following reports were received:

Mr. Speaker :

Your Committee on Ways and Means to whom were referred H. B. No. 40, entitled "An Act concerning the compensation of County Assessor," have had the same under consideration, and respectfully report it back with the accompanying amendment, and as so amended recommend that it do pass.

SETTLE,
Chairman.

Mr. Speaker :

Your Committee on Internal Improvements, to whom was referred House Bill No. 59, return the same to the House with the recommendation that it be passed.

Your Committee also return herewith petition of residents and taxpayers from neighborhood of North Boulder River, in Jefferson County. The prayer of these petitioners will be complied with by the passage of the above bill, except in so far as the petitioners ask

for enactment requiring owners of ditches to put in wire screens at the heads thereof, which your Committee believe would not be practicable.

JACOBS,
Chairman.

Mr. Speaker :

Your Committee on the Judiciary, to whom were referred House Bill No. 39, "An Act concerning depositions taken out of this Territory;" House Bill No. 56, "A bill relative to the jurisdiction of Justices' Court," and House Bill No. 57, "An Act concerning the jurisdiction of the Supreme Court," herewith report the same back with the recommendation that said bills do pass. Your Committee also herewith report a substitute for House Bill No. 20, "An Act concerning the publication of summons'," and recommend that the substitute do pass.

FORBIS,
Chairman.

On motion of Blake, the amendments offered by the Committee on Ways and Means to H. B. No. 40 were adopted, and the bill was ordered engrossed.

On motion of Forbis, substitute for House Bill No. 20, reported by the Judiciary Committee, was adopted, and the bill was ordered printed.

On motion of Blake the rules were suspended, House Bill No. 57 considered engrossed, and placed upon the calendar for a third reading.

House Bills Nos. 39 and 56 were ordered engrossed.

On motion of Mills the rules were suspended, House Bill No. 59 was considered engrossed, and placed upon the calendar for a third reading.

The following report was received:

To the Legislative Assembly of the Territory of Montana:

Your Committee, appointed under House Concurrent Resolution No. 3, to examine and report upon the books and accounts of the Territorial Auditor and Treasurer, for the years 1881 and 1882, respectfully report to the House and Council, that your Committee finding the labor of a thorough examination would consume more time than your Committee could conveniently spare from their other legislative duties, employed Mr. Edmund W. Bach (an able and experienced accountant) under the authority given them by the resolution. That Mr. Bach entered upon the discharge of these duties, and

has made a complete and minute examination of the books, accounts, vouchers, etc., connected with the said offices, and made a report to your Committee, which is hereunto annexed and made a part hereof.

From the said statement of Mr. Bach, and the investigation of your Committee, they are satisfied that the books and accounts of the offices of Auditor and Treasurer are in a satisfactory condition, and that the duties devolving upon said officers have been efficiently and faithfully discharged. Your Committee would, however, recommend that in future the Treasurer open accounts in the Territorial Treasurer's books in all banks in which he may deposit Territorial funds, so that in case of sudden death or accident, his books may show where said moneys are deposited.

All of which is most respectfully submitted,

R. O. HICKMAN,
Chairman House Committee.
W. W. MORRIS,
Chairman Council Committee.

On motion of Blake, a copy of that portion of the report relating to the manner in which the books of the Territorial Treasurer should be kept was ordered to be forwarded to that officer.

On motion of Blake the report was adopted, the clerk ordered to transmit a copy of the same to the Council, and the Committee was discharged.

The following report was received:

Mr. Speaker:

Your Committee of the Whole, who have had under consideration the following General Orders, would most respectfully report that House Bill No. 38, on being read, was ordered referred to Judge Blake, who reported a substitute for same, which was adopted, and the chairman instructed to report the same back to the House with the recommendation that the substitute be adopted in lieu of House Bill No. 38, and that it do pass.

House Bill No. 51, "An Act to amend Section 10 of the Fifth Division of the Revised Statutes of Montana," was instructed to be reported back to the House, together with amendments, with the recommendation that it be referred to a Select Committee.

House Bill No. 34, "An Act relating to bounties for killing certain animals," the amendments reported by the Select Committee were adopted. Also amended by striking out of the third line of printed copy the word "order," and insert in lieu thereof the word "warrant," and recommend that as amended the bill do pass."

With regard to distributing the Governor's message, the following orders were made: All that portion "on fifth and sixth pages down to the word "pays" be referred to the Committee on Territorial Affairs; "Registration and Voting." to Committee on Elections;

“Railroad Taxation,” to Committee on Ways and Means; “Indians,” to Committee on Indian Affairs; “Game Protection,” to Committee on Grazing and Stock Growing; “Fees,” to Committee on Ways and Means; “Protection to Travelers,” to Committee on Judiciary; “Pardons,” to Committee on Judiciary; “Mining,” to Committee on Mines and Minerals.”

All of which is respectfully submitted,

R. O. HICKMAN,
Chairman Committee of Whole.

On motion of Allen the substitute for House Bill No. 38 was adopted.

On motion of Settle the rules were suspended, H. B. No. 38 considered engrossed, and was placed on the calendar for a third reading.

On motion of Allen, H. B. No. 51 was referred to a Select Committee, consisting of Allen, Erwin and Baker.

On motion of Blake, the amendments reported to H. B. No. 34 by the Committee of the Whole were adopted, and the bill was ordered engrossed.

Notices of the introduction of bills were given as follows:

By Baker—A bill entitled “An Act to enable the County of Choteau to erect a Court House.”

By Jacobs—“A bill for an Act concerning leins on rolling stock of railroads.”

Bills were introduced as follows:

By Hickman—H. B. No. 69, “An Act to amend Section 506 of Chapter XIX of the Fifth Division of the Revised Statutes of Montana.”

By Blake—H. B. No. 70, “An Act to authorize County Commissioners to issue bonds to redeem outstanding indebtedness.”

By Malony—H. B. No. 7, “An Act to enable the County of Dawson to erect a Court House and jail.”

By Jacobs—H. B. No. 72, “An Act to secure manufacturers and owners of railroads equipment and rolling stock in making conditional sales and contracts for the lease thereof.”

By Hickman—H. J. R. No. 5, “For the relief of Edmund W. Bach.”

By McAdow---H. J. R. No. 6, "To purchase maps of Montana Territory."

H. J. R. Nos. 5 and 6 was read first and second times and referred to the Committee on Ways and Means.

H. B. No. 69 was read first and second times.

On motion of Forbis, all after the "proviso" was stricken from the bill, and it was ordered engrossed.

H. B. No. 70 was read first and second times and ordered printed.

H. B. No. 71 was read first and second times, the rules were suspended, and the bill was ordered engrossed.

House Bill No. 72 were read first and second times, and referred to the Committee on Judiciary.

H. B. No. 38 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Blake, Dean, Edwards, Erwin, Forbis, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wright—17.

Noes—Cooper, Hickman, Wallace, Mr. Speaker—4.

Absent—Batten, Clutter, Comly—3.

Title agreed to.

H. B. No. 57 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Blake, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—None.

Absent—Batten, Clutter, Comly—3.

Title agreed to.

H. B. No. 59 was read a third time.

On motion of Hickman the rules were suspended, and the bill was recommitted to the Committee on Internal Improvements for amendment.

H. B. No. 67 was read a third time and passed by the following vote:

Ayes—Allen, Baker, Blake, Cooper, Edwards, Erwin, Jacobs, Malony, Mills, O'Grady, Settle, Wallace, Wright—13.

Noes—Armstrong, Dean, Forbis, Hickman, Kanouse, Mantle, McAdow, Mr. Speaker—8.

Absent---Batten, Clutter, Comly---3.

On motion of Hickman, the title was amended so as to read "An Act in relation to terms of office of Assessors."

Settle moved to adjourn. Motion lost.

On motion of Mills the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present. Absent on leave, Clutter.

On motion of Malony the House adjourned until 10 A. M. Monday by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, Mills, Wallace, Wright—16.

Noes—Blake, Cooper, McAdow, O'Grady, Settle, Mr. Speaker—6.
Absent—Clutter, Comly—2.

DAVID MARKS,
Chief Clerk.

THIRTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., February 12th, 1883.

House met pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Clutter.

Journal of the Thirty-fourth day read and approved.

The following reports were received :

Mr. Speaker :

Your Committee on Grazing and Stock Growing, to whom was referred House Bill No. 43, have had the same under consideration, and beg leave to return it with the recommendation that it do pass.

BAKER,
Chairman.

Mr. Speaker :

Your Committee on Printing have examined House Bills Nos. 48 and 53, and find the same correctly printed.

DEAN,
Chairman Committee.

H. B. No. 53 was referred to the Committee on Judiciary.

H. B. No. 48 was referred to the Committee on Education and Labor.

H. B. No. 43 was placed upon the General Orders for the consideration of the Committee of the Whole.

The following communication was received :

COUNCIL CHAMBER,
Helena, M. T., February 9, 1883.

Mr. Speaker:

I am directed by the Council to inform your honorable body that notices of the introduction of bills have been given as follows:

By Bass—A bill for "An Act to change the name of the town of Garfield, Missoula County."

By Mitchell—That he would, on the 14th day of this month, introduce a bill for "An Act to amend an Act in relation to stenographers."

That the following bills have been introduced:

By Thomas—C. B. No. 18, "An Act to amend Sections 515 and 529, and to repeal Section 528 of Chapter 21 of the Fifth Division of the Revised Statutes."

Also, C. B. No. 19, "An Act to incorporate the Town of Bozeman."

By Gillette—C. B. No. 20, "An Act to change the name of Johannes Gustaffson to John G. Hulten."

By Bass—C. B. No. 21, "An Act to amend an Act entitled an Act to provide compensation for Deputy Clerks of the District Courts."

Also, C. B. No. 22, "An Act to amend an Act entitled an Act in relation to fees of County Clerks."

By Witter—C. B. No. 23, "An Act concerning records of placer mining locations."

By White—C. B. No. 24, "An Act defining the crime of polygamy, and providing for the punishment thereof."

That the following: H. B. No. 27 as amended, H. B. No. 46 as amended unanimously, C. B. No. 20 and C. C. R. No. 2 have passed this day, and are hereby transmitted.

I am also instructed to transmit the enclosed copy of a communication received from the Governor, together with copies of letters accompanying the same.

JAMES B. WELLS,
Chief Clerk.

The copies of the communications received from the Council from Governor Crosby, James B. Grant, Governor of Colorado, and Frank H. Wilson, Assistant Secretary of the Denver Exposition, asking the appointment of a Commissioner from Montana, were read and referred to the Committee on Mines and Minerals.

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment, to whom was referred House Bill No. 71, a bill for "An Act to enable the County of Dawson to erect a Court House and jail;" also, House Bill No. 34, "An Act to amend an Act relative to bounty for killing certain animals," beg

leave to report that they have examined the same, and find them correctly engrossed.

MANTLE,
Chairman.

Mr. Speaker :

Your Committee on Engrossment, to whom was referred House Bill No. 69, "An Act to amend Section 506 of Chapter XIX of the Fifth Division of the Revised Statutes of Montana;" also, House Bill No. 39, "An Act concerning depositions taken out of this Territory;" also House Bill No. 40, "An Act concerning the compensation of Assessors;" also, House Bill No. 56, "A bill relative to the jurisdiction of Justices' Courts;" also, House Joint Resolution No. 2, "Providing for the call of a Constitutional Convention," beg leave to report that they have examined the same, and find them correctly engrossed.

MANTLE,
Chairman.

Mr. Speaker :

Your Select Committee, to whom were referred House Bill No. 65, "A bill to amend an Act entitled an Act to incorporate the Town of Butte," beg leave to report the same back with the recommendation that it do pass.

MANTLE,
FORBIS,
DANIEL O'GRADY.

On motion of Forbis the rules were suspended, and House Bill No. 65 was ordered engrossed.

On motion of Allen, the amendments of the Council to House Bill No. 46 were concurred in by the House, and the bill was ordered enrolled.

On motion of Batten, the amendments of the Council to House Bill No. 27 were concurred in, and the bill ordered enrolled.

Bills were introduced as follows:

By Blake---House Bill No. 73, "An Act to apportion the members of the Legislative Assembly."

By Baker---House Bill No. 74, "An Act to enable the County of Choteau to erect a Court House."

C. C. R. No. 2 was read first and second times, and referred to the Committee on Federal Relations.

C. B. No. 20, "An Act to change the name of Johannes Gustaff-

son to John G. Hulten," was read first and second times, and referred to the Committee on Mines and Minerals.

H. B. No. 73 was read first and second times, and ordered printed.

House Bill No. 74 was read first and second times, and referred to the Committee on Towns and Counties.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., February 10, 1883.

Mr. Speaker:

I am instructed by the Council to inform your honorable body that Council Bill No. 3 has passed the Council and is herewith transmitted; that House amendments to Council Bill No. 2 have been concurred in by the Council; that the following bills have been ordered printed: Council Bill No. 18, Council Bill No. 23 and Council Bill No. 24.

JAMES B. WELLS,
Chief Clerk.

On motion of Fortis the rules were suspended, and H. J. R. No. 2 was recommitted to the Committee on Federal Relations.

H. B. No. 40 was read a third time and passed by the following vote:

Ayes—Baker, Batten, Blake, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Mantle, McAdow, Settle, Wallace, Wright—15.

Noes—Allen, Armstrong, Comly, Malony, Mills, O'Grady, Mr. Speaker—7.

Absent—Clutter, Jacobs—2.

Title agreed to.

H. B. No. 69 was read a third time and passed by the following vote:

Ayes—Armstrong, Baker, Blake, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, Mills, O'Grady, Wallace, Wright, Mr. Speaker—18.

Noes—Allen, Batten, Comly, McAdow—4.

Absent—Clutter, Settle—2.

Title agreed to.

H. B. No. 56 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker—21.

Noes—None.

Absent—Clutter, Erwin, Settle—3.

Title agreed to.

H. B. No. 39 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, O'Grady, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—None.

Absent—Clutter, Erwin, Mills—3.

Title agreed to.

H. B. No. 34 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Hickman, Kanouse, Malony, McAdow, Mills, Settle, Wallace, Wright, Mr. Speaker—18.

Noes—Forbis, Jacobs, Mantle, O'Grady—4.

Absent—Clutter, Erwin—2.

Title agreed to.

On motion of Allen, the rules were suspended, H. B. No. 71 was read a third time by title, and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Comly, Dean, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—20.

Noes—Blake, Cooper, Edwards—3.

Absent—Clutter—1.

Title agreed to.

On motion of Forbis, H. B. No. 19 was made a Special Order for Wednesday, the 14th inst., at 2:15 p. m.

On motion of Allen, the House adjourned until 2:30 p. m. tomorrow by the following vote:

Ayes—Allen, Armstrong, Batten, Comly, Dean, Edwards, Erwin, Jacobs, Kanouse, Malony, Mantle, Mills, O'Grady, Settle, Wright, Mr. Speaker—16.

Noes—Baker, Blake, Cooper, Forbis, Hickman, McAdow, Wallace—7.

DAVID MARKS,
Chief Clerk.

THIRTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 13th, 1883.

House met, pursuant to adjournment, at 2 o'clock P. M.

Mr. Speaker in the Chair.

Roll called—quorum present.

Absent, Clutter.

Prayer by the Chaplain.

Journal of thirty-sixth day read and approved.

The following reports were received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House bills Nos. 27 and 46, and find the same correctly enrolled, and the bills are herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that that C. B. No. 5 was presented to the Governor for his approval on February 10, 1883, at 6 P. M.

BLAKE.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred H. B. No. 65, "A bill to amend an Act entitled an Act to incorporate the town of Butte," herewith report the same back to the House correctly engrossed.

MANTLE,
Chairman.

Mr. Speaker:

Your Committee on Printing beg leave to report that, in their

opinion, House bill No. 61, "An Act regulating Insurance Companies," is correctly printed.

DEAN,
Chairman.

The following communication was received :

COUNNCIL CHAMBER,
Helena, M. T., February 12, 1883.

Mr. Speaker :

I am instructed by the Council to inform your honorable body that notices of the introduction of bills have been given as follows :

By White, a bill for "An Act in relation to County Licenses."

By Stuart, a bill entitled "An Act to enable the people of White Sulphur Springs to build a Schoolhouse."

That Bass introduced Council bill No. 26, "An Act to change the name of the town of Garfield."

That Stuart introduced Council bill No. 27, "An Act to enable the County of Meagher to furnish the Court house and complete the Jail." Also, by unanimous consent, Council bill No. 25, "An Act to enable the people of White Sulphur Springs to build a Schoolhouse."

That Council bill No. 26, under suspension of the rules, has passed the Council, and is herewith transmitted.

That White introduced C. J. R. No. 5, "Making appropriation for defraying expenses of representing Montana at the Amsterdam Exposition."

JAMES B. WELLS,
Chief Clerk.

On motion of Blake the rules were suspended, House bill No. 47 was read a third time by title, and passed by the following vote :

Ayes—Allen, Armstrong, Baker, Batten, Blake, Comly, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker---20.

Noes—None.

Absent---Clutter, Cooper, Malony, Mantle---4.

Title agreed to.

The Speaker announced that he had signed House bills 27 and 46.

House bill No. 61 was referred to the Committee on Corporations.

House bill 65 was read a third time.

Hickman moved a call of the House.

A call was had ; absent, Clutter, Cooper, Malony, Mantle.

Allen moved to dispense with a further call. Motion lost.

Malony and Mantle appeared in their seats.

On motion of Blake a further call was dispensed with.

House bill No. 65 passed by the following vote :

Ayes—Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker—13.

Noes—Allen, Armstrong, Baker, Blake, Comly, Dean, Kanouse, Settle—8.

Absent, Clutter, Cooper—2.

Title agreed to.

On motion of Kanouse House bill No. 25 was taken from the General Orders and recomitted to the Committee on Territorial Affairs.

On motion of Batten H. B. No. 52 was taken from the General Orders and made a Special Order for Saturday the 17th inst., at 2:30 P. M.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Blake in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Settle the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES.

Helena, M. T., February 14th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of thirty-seventh day read and approved.

The following communication was received:

COUNCIL CHAMBER.

Helena, M. T., February 13, 1883.

Mr. Speaker :

I am instructed by the Council to inform your honorable body that the following bills have passed the Council, and are herewith transmitted.

House Bill No. 42, House Bill No. 10, House Bill No. 12 and House Bill No. 32.

JAMES B. WELLS,
Chief Clerk.

House Bills Nos. 10, 12, 32 and 42 were ordered enrolled.

The following reports were received:

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that House Bills numbered 27 and 46 were presented to the Governor for his approval on February 13, 1883, at 4 P. M.

BLAKE.

Mr. Speaker :

Your Committee on Federal Relations, to whom was referred House Joint Resolution No. 2, "Providing for the call of a Constitutional Convention," beg leave to report the following amendments

and recommend that the same be adopted, and that being so amended the resolution do pass.

Strike out fifth line on third page of engrossed copy the word "five," and insert in lieu thereof the word "three." Insert after delegates in fifth line the following: "Yellowstone County two delegates, but in case Yellowstone County be not formed then Custer County shall have five delegates."

Strike out all after the word "delegates," in thirteenth line, down to word "also," in twenty-first line.

All of which is respectfully submitted,

R. O. HICKMAN.

Mr. Speaker :

Your Committee, to whom was referred Council Joint Resolution No. 4, "in relation to the fish interests of Montana," herewith report the same back to the House with recommendation that it do pass.

JACOBS,
Chairman.

On motion of Forbis, the amendments reported to H. J. R. No. 2 by the Committee on Federal Relations were adopted, and the bill was ordered engrossed.

The following report was received:

Mr. Speaker :

Your Committee of the Whole House, to whom were referred House Bill No. 43, entitled "An Act to amend an Act to provide for the payment of stock killed or injured by railroads," and the report of the Committee on Grazing and Stock Growing thereon, having considered the same, have directed me to report the bill back to the House with the accompanying amendments, and recommend the bill as so amended do pass.

BLAKE.

Kanouse offered the following amendment to House Bill No. 43:

Amend by striking out all after word "Territory," line 3, section 2, to and including word "road-bed" in ninth line.

Strike out words "and shall," ninth line, and insert word "to."

The amendment was adopted.

On motion of Forbis, all of Section 2, which includes Section 7, was stricken out.

On motion of Blake, the amendment offered by the Committee of the Whole to Section 1 was adopted, and the bill was ordered enrolled.

The following reports were received:

Mr. Speaker:

Your Select Committee of members, residing in Helena School District No. 1, have considered Council Bill No. 1, entitled "An Act to enable the people of Helena School District No. 1 to erect additional school buildings, and for other purposes," report the bill back recommending its passage.

H. R. COMLY,
R. C. WALLACE,
Committee.

Mr. Speaker:

A majority of your Committee on Territorial Affairs beg leave to submit amendments herewith to House Bill No. 25, which said amendments they recommend be adopted, and that as so amended the bill do pass.

KANOUSE,
ARMSTRONG,
MILLS,
Majority of Committee.

H. B. No. 25 was placed upon the General Orders for the consideration of the Committee of the Whole.

C. J. R. No. 4 was placed upon the General Orders for the consideration of the Committee of the Whole.

Notices of the introduction of bills were given as follows:

By Kanouse—"An Act to provide for collection of special road tax."

Also, a bill for "An Act in relation to rights of way."

By Cooper—"A bill for prevention or spread of contagion among sheep."

By Wallace—"A bill to prevent the carrying of deadly weapons."

By Settle—"An Act concerning transportation companies."

By Comly—"An Act concerning the letting of service of convicts confined in the Territorial Penitentiary at Deer Lodge."

Also, "An Act to provide for the levy and collection of taxes upon the property of railroad companies in this Territory."

Also, "An Act to amend Sections 389 and 390 of the Criminal Practice Act."

C. B. No. 26 was read first and second times.

On motion of Blake, Section 3 was stricken from the bill.

On motion of Forbis, the Chief Clerk was instructed to engross the amendment and place the bill on the calendar for a third reading.

C. B. No. 3 was read first and second times and referred to the members from Custer County.

H. B. No. 49 was read first and second times and ordered printed.

C. B. No. 26 was read a third time, and passed by the following vote:

Ayes—Allen, Armstrong, Batten, Clutter, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, McAdow, O'Grady, Wallace, Wright, Mr. Speaker—18.

Noes—Blake---1.

Absent---Baker, Erwin, Mantle, Mills, Settle---5.

Title agreed to.

C. B. No. 1 was read a third time, and passed by the following vote:

Ayes---Allen, Armstrong, Batten, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker---20.

Noes---Blake---1.

Absent---Baker, Mantle, Settle-- 3.

Title agreed to.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Mantle in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Cooper the House took a recess until 2 p. m.

2 p. m.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

The following communication was received:

TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT,
Helena, M. T., February 13th, 1883.

To the House of Representatives :

GENTLEMEN: I have the honor to inform you that I have this day approved the following House Bills:

H. B. No. 27, entitled "An Act to enable the People of Missoula and Stevensville to erect school houses in said towns."

H. B. No. 46, entitled "An Act to provide for the printing of blanks for the use of the Governor."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY.
Governor.

On motion of Allen the House took a recess for ten minutes.

House resumed.

Mr. Speaker in the chair.

The House resolved itself into a Committee of the Whole for the consideration of H. B. No. 19.

Mantle in the chair.

House resumed.

Mr. Speaker in the chair.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., February 14, 1883.

Mr. Speaker :

I am instructed by the Council to inform your honorable body that the following bills have been passed and are herewith transmitted: Council Bill No. 6, Council Bill No. 15 and Council Bill No. 17; that Council Bill No. 8 has been lost; that Council Bill No. 11 has been indefinitely postponed; that the vote by which House Bill No. 44 was lost has been reconsidered.

JAMES B. WELLS,
Chief Clerk.

On motion of Settle the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

THIRTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 15th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the Chair.

Roll called—quorum present.

Journal of thirty-eighth day read and approved.

The following reports were received :

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House bills Nos. 12 and 10, and find the same correctly enrolled, and the bills are herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker:

Your Committee on Internal Improvements, to whom was referred House bill No. 59, hereby report the same back to the House with a substitute, and your Committee recommend the passage of such substitute.

JACOBS,
Chairman.

On motion of Blake the substitute offered by the Committee on Internal Improvements to House bill No. 59 was adopted. The rules were suspended, the bill considered engrossed, and placed upon the calendar for a third reading.

The Speaker announced that he had signed House bills 10 and 12.

Mr. Speaker:

Your Committee of the Whole, to whom were referred House bill No. 19, "An Act to provide for the better observance of Sunday

as a day of rest," have instructed me to report the same back with the following amendments, and without any recommendation:

Amend line 3, in Section 6, by inserting after the words "Telegraph offices" the words "Telephone Exchanges."

Amend Section 6, line 3, by striking out the words "barber shops."

Amend Section 6, line 4, by striking out the words "or to any mines or mills, smelters or reduction works of any character."

Amend by adding the following to Section 6: "Provided that no hired girl or servant shall be compelled to work upon the said first day of the week, commonly called Sunday, and any contract made in contravention of this Section shall be void, and the employer contracting with any servant in contravention of this Section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than one hundred dollars."

Amend by adding the following to Section 7: "Whoever conscientiously believes that the seventh day of the week ought to be observed as the Sabbath, and actually refrains from secular business and labor on that day, shall not be liable to the penalties of this Act for performing secular business or labor on Sunday."

MANTLE,
Chairman.

On motion of Comly the amendments offered by the Committee of the Whole were adopted and the bill was ordered engrossed.

Bills were introduced as follows:

By Comly—House bill No. 75, "An Act concerning the letting of service of convicts confined in the Territorial Penitentiary at Deer Lodge." Also,

House bill No. 76, "An Act to provide for the levy and collection of taxes upon the property of Railroad Companies in this Territory."

Also, H. B. No. 77, "An Act to amend Sections 389 and 390 of the Criminal Practice Act;" also,

House bill No. 78, "A bill for an Act to amend Sections 191 and 309 of the First Division of the code of civil procedure of the Revised Statutes of the Territory of Montana."

By Cooper—House bill No. 79, "Bill for prevention or spread of contagion among sheep."

Council bill No. 6, "A bill for an Act to prevent woman-beating in the Territory of Montana" was read first and second times and referred to the Committee on Territorial Affairs.

Council bill No. 17, "An Act to amend an Act to require persons keeping saloons or gaming houses to prohibit boys from stopping therein" was read first and second times, and referred to the Committee on Judiciary.

C. B. No. 15, "An Act to amend an Act entitled an Act to incorporate the city of Helena," was read first and second times and referred to members of the House residing in Helena.

House bills 75, 76, 78 and 79, were read first and second times and ordered printed.

House bill No. 77 was read first and second times and referred to the Committee on Judiciary.

The following reports were received :

Mr. Speaker :

Your Committee of the Whole, to whom were referred C. J. R. No. 4, in relation to the Fish interests of Montana, have instructed me to report the same back with the recommendation that it do pass.

MANTLE,
Chairman.

Mr. Speaker :

Your Committee of the Whole, to whom was referred H. B. No. 25, "An Act in relation to Printing," have instructed me to report progress upon the same, and ask leave to sit again.

MANTLE,
Chairman.

H. B. No. 59 was read a third time and passed by the following vote :

Ayes—Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, Mills, O'Grady, Wright, Mr. Speaker—20.

Noes—None.

Absent—Allen, McAdow, Settle, Wallace—4.

Title agreed to.

C. J. R. No. 4 was read a third time and passed by the following vote :

Ayes—Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, Mills, O'Grady, Wright, Mr. Speaker—20.

Noes—None.

Absent—Allen, Malony, Settle, Wallace—4.

Title agreed to.

The following report was received :

Mr. Speaker :

Your Committee on Engrossment, to whom was referred H. J. R.

No. 2, "Providing for a Constitutional Convention," beg leave to report the same correctly engrossed.

MANTLE,
Chairman.

H. J. R. No. 2 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, Mills, O'Grady, Wright, Mr. Speaker—20.

Noes—McAdow—1.

Absent—Malony, Settle, Wallace—3.

Title agreed to.

House resolved itself into a Committee of the Whole for the further consideration of House bill No. 25.

Mantle in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Forbis the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

FORTIETH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., February 16th, 1883.

House met pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the Thirty-ninth day read and approved.

A petition from citizens of Twin Bridges, asking for the passage of a Sunday law, was read and placed on file.

The following reports were received:

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that

they have examined House Bills Nos. 32 and 42, and find the same correctly enrolled, and the bills are herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that that H. B's. Nos. 10 and 12 was presented to the Governor for his approval on February 15, 1883, at 12:20 P. M.

BLAKE.

Mr. Speaker :

Your Committee on Military Affairs, to whom was referred H. B. No. 55, "An Act to prohibit the sale of fire-arms and ammunition to minors," have considered the same and recommend that it be amended by striking out the words "minor or," in fifth line of Section 1. Also strike out words "twenty-one," in sixth line of said section, and insert in lieu thereof the word "fourteen," and without further recommendation your Committee report the same back to the House.

CLUTTER.

Mr. Speaker :

Your Committee on the Judiciary begs leave to report back the following bills without amendments, with recommendation that all of said bills do pass, viz:

H. B. No. 63, "An Act to amend the Code of Civil Procedure relating to contempts."

H. B. No. 77, "An Act to amend Sections 389 and 390 of the Criminal Practice Act."

H. B. No. 68, "A bill to amend Chapter XX of the Fifth Division of the Revised Statutes of Montana, relating to divorce."

Your Committee has also considered H. B. No. 66, "A bill providing for the punishment of persons obstructing railroads," and the members of the Committee are unanimously of the opinion that said bill ought to pass, but the majority of the Committee are of the opinion that the penalty prescribed in the bill is too severe, and recommend the accompanying amendment, which they recommend be adopted. The minority are of opinion that the bill should pass without amendment.

H. B. No. 53, a bill for an Act entitled "An Act to amend Sections 1007 and 1028 of Chapter 53, Article 1, of the Fifth Division of the Revised Statutes of Montana Territory," is herewith reported with amendments, which amendments your Committee recommend be adopted, and recommend the bill as so amended do pass.

Your Committee also report the following entitled bills with accompanying amendments, and recommend as so amended such bills do pass, to wit:

H. B. No. 37, "An Act concerning the organization of the Legislative Assembly."

H. B. No. 33, "An Act concerning certain rights and liabilities of husband and wife."

H. B. No. 64, "An Act concerning the change of names of persons."

H. B. No. 45, "An Act to amend an Act concerning chattel mortgages."

FORBIS,
Chairman.

Mr. Speaker :

Your Committee on Mines and Minerals have duly considered the communication of John Schuyler Crosby, Governor, transmitting communications of James B. Grant, Governor of Colorado, and Frank H. Wilson, Assistant Secretary of the National Mining and Industrial Exposition Association of Colorado, and recommend that the suggestions and recommendations of the Governor be carried into effect, and that, as he suggests, a commissioner for Montana be appointed to be present at and represent the industries of this Territory at the said Exposition, to be held in the year 1883, and that the sum of five hundred dollars be appropriated for the expenses to be incurred thereby.

O'GRADY,
Chairman.

Mr. Speaker :

Your Committee on Towns and Counties, to whom was referred C. J. M. No. 1, would respectfully report it back to the House, recommending its passage.

McADOW,
Chairman.

Mr. Speaker :

Your Committee on Towns and Counties, to whom was referred H. B. No. 74, have had the same under consideration, and would respectfully report the bill back to the House, recommending the following amendments in Section 1, line 6: Strike out the words "fifty thousand" and insert the words "thirty thousand."

McADOW,
Chairman.

On motion of Blake, the rules were suspended, House Bills Nos. 63 and 77 were considered engrossed, and placed on the calendar for a third reading.

On motion of Forbis the rules were suspended, House Bill No. 68 was considered engrossed, and placed upon the calendar for a third reading.

On motion of Blake, the amendments offered to House Bills Nos. 64 and 45, by the Judiciary Committee, were adopted, the rules suspended, and they were ordered engrossed.

On motion of Armstrong, the amendments offered to House Bill

No. 53, by the Judiciary Committee, were adopted, the rules suspended, and the bill ordered engrossed.

On motion of Blake, the amendments offered House Bills Nos. 33 and 66, by the Judiciary Committee, were adopted, and placed upon the General Orders for the consideration of the Committee of the Whole.

On motion of Blake, the amendments offered by the Judiciary Committee to House Bill No. 37 were adopted, the rules suspended, and the bill was ordered engrossed.

On motion of Hickman, the amendments offered to House Bill No. 55, by the Committee on Military Affairs, were adopted, the rules suspended, and the bill ordered engrossed.

On motion of Blake, the amendments offered by the Committee on Towns and Counties to House Bill No. 74 were adopted, and the bill placed on General Orders for the consideration of the Committee of the Whole.

The Speaker announced that he had signed House Bills Nos. 32 and 42.

The following report was received :

Mr. Speaker :

Your Committee of the Whole, to whom was referred H. B. No. 25, "An Act in relation to printing," have instructed me to report the same back, together with amendments, and the recommendation that the further consideration of the subject be indefinitely postponed.

MANTLE.
Chairman.

On motion of Hickman the report was adopted.

Mantle moved to indefinitely postpone H. B. No. 25. Motion lost.

The following report was received :

Mr. Speaker :

Your Committee on Printing have examined House Bills Nos. 20, 60, 70 and 73, and find them correctly printed.

DEAN,
Chairman of Committee.

House bill No. 73 was referred to the Committee on Territorial Affairs.

House Bill No. 60 was referred to the Committee on Corporations.

On motion of Forbis, House Bill No. 20 was made a Special Order for the consideration of the Committee of the Whole for 2:30 on Tuesday, the 20th inst.

House Bill No. 70 was referred to the Committee on Ways and Means.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., February 15, 1883.

Mr. Speaker :

I am directed by the Council to inform your honorable body that notices of the introduction of bills have been given as follows:

By White—"A bill for an Act to provide for the maintenance of Territorial convicts."

By Hamilton—"A bill for the purpose of amending Sections 507, Fifth Division, Revised Statutes of Montana."

That the following bills have been introduced:

By White—C. B. No. 28, "An Act in relation to County licenses."

By Mitchell—C. B. No. 29, "A bill for an Act to amend an Act concerning stenographers."

That Cardwell, by unanimous consent, and without previous notice, introduced C. B. No. 30, "An Act to enable the citizens of Jefferson County to vote on the proposition of changing the County seat." Also,

That Hamilton, by unanimous consent, and without previous notice, introduced C. J. R. No. 6, "Making appropriation for the purpose of collecting statistics for the Historical Society of Montana."

That House amendment to C. B. No. 26 has been concurred in by the Council.

That the following: H. B. No. 11 as amended, H. B. No. 44 as amended, H. B. No. 57 and C. J. R. No. 5 have passed the Council, and are herewith transmitted.

That the following substitute for H. B. No. 38, H. B. No. 67 and H. B. No. 15 have been lost, and are also herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

On motion of Hickman, the Chief Clerk was instructed to return House Bill No. 44 to the Council with a request that the history of the bill be properly prepared.

House Bill No. 57 was ordered enrolled.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., February 15, 1883.

Mr. Speaker:

I am instructed by the Council to inform your honorable body that a communication, of which the within is a copy, together with copies of letters accompanying the same, relative to the National Mining and Industrial Exposition Association of Denver, Colorado, has been received from the Governor, and is herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

The communications accompany the message from the Council were read, and referred to the Committee on Mines and Minerals.

Notices of the introduction of bills were given as follows:

By Edwards—"A bill to amend the Second Division of Section 348 of the Fifth Division of the Revised Statutes of Montana." Also, "A bill to amend Section 13 of the Fifth Division of the Revised Statutes of Montana, in relation to animals affected with any contagious disease."

By Settle—"An Act to amend Sections 253 and 256 of the Code of Civil Procedure of the Revised Statutes of Montana." Also, "An Act authorizing the building of a railroad from Fort Benton to Helena."

Bills were introduced as follows:

By Settle—House Bill No. 80, "An Act to repeal an Act entitled an Act to authorize the Counties interested to assist in building a railroad from the head of navigation on the Missouri at or near Fort Benton to Helena," and to repeal an Act entitled "An Act to facilitate the construction of the Helena and Benton Railroad."

By Wallace—"A bill for an Act to prevent the carrying of deadly weapons."

On motion of Comly, House Bill No. 11, with amendments adopted by the Council, were referred to the Committee on Towns and Counties.

The following communication was received:

TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT,
Helena, M. T., February 15th, 1883.

To the House of Representatives :

GENTLEMEN: I have the honor to inform you that I have this day approved the following bills:

House Bill No. 10, entitled "An Act to amend Section 332 of Fifth Division of the Revised Statutes of Montana."

House Bill No. 12, entitled "An Act to provide for the collection of special poor tax of persons who pay no property tax."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

C. J. R. No. 5, "Making appropriation for defraying expenses of representing Montana at the Amsterdam Exposition," was read first and second times, and referred to the Committee on Ways and Means.

H. B. No. 80 was read first and second times, and referred to the Committee on Corporations.

H. B. No. 81 was read first and second times, and referred to the Committee on Judiciary.

H. B. No. 68 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright—20.

Noes—Mr. Speaker—1.

Absent—Erwin, Kanouse, Malony—3.

Title agreed to.

H. B. No. 63 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—23.

Noes—None.

Absent—Kanouse—1.

Title agreed to.

H. B. No. 77 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly,

Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker--24.

Noes—None.

Title agreed to.

C. J. M. No. 1 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Dean, Edwards, Forbis, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—Erwin, Hickman—2.

Absent—Cooper—1.

Title agreed to.

The following report was received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined Council Bills Nos. 1 and 26, and Council Joint Resolution No. 4, and find the same correctly enrolled, and the bills and resolution are herewith presented to the Speaker of the House for his signature.

BLAKE.

The Speaker announced that he had signed Council Bills Nos. 1 and 26, and Council Joint Resolution No. 4.

The following report was received:

Mr. Speaker:

Your Joint Committee on Corporations have duly considered House Bill No. 80, and report the same back recommending its passage.

COMLY,
Chairman.

On motion of Comly the rules were suspended, House Bill No. 80 was placed upon its final passage, and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—23.

Noes—None.

Absent—Edwards—1.

Title agreed to.

Settle moved to recommit House Bill No. 25, with the substitute offered, to the Committee on Territorial Affairs.

Forbis moved to amend by laying the bill and substitute on the table. The amendment prevailed by the following vote:

Ayes—Blake, Clutter, Cooper, Dean, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, Wallace, Wright—12.

Noes—Allen, Armstrong, Baker, Batten, Comly, Kanouse, McAdow, Mills, O'Grady, Settle, Mr. Speaker—11.

Settle moved to adjourn. Motion lost.

On motion of Hickman the House took a recess until 2 p. m.

2 p. m.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Hickman, the amendments of the Council to House Bill No. 44 were concurred in, and the bill was ordered enrolled.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Clutter in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Settle the House adjourned until 10 a. m. to-morrow.

DAVID MARKS,
Chief Clerk.

FORTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., February 17th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of fortieth day read and approved.

A petition from citizens of Jefferson County praying for an enabling Act to submit the proposition of removing the County seat.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., February 16, 1883.

Mr. Speaker:

I am instructed by the Council to inform your honorable body that Witter gave notice of the introduction of a bill for an "Act for the better defining of the boundary lines of Silver Bow County, and for other purposes."

That the following bills were introduced:

By White, C. B. No. 31, "An Act to provide for the care and maintainance of Territorial convicts."

By Hamilton, C. B. No. 32, "A bill for an Act to amend 507, of Chapter XX, Fifth Division, Revised Statutes of Montana."

By Gilette, C. B. No. 33, "A bill for an Act relating to the official survey of the townsite of Helena."

That the following bills have passed, and are herewith transmitted, to wit: H. B. No. 39, C. B. No. 10, C. B. No. 19, C. B. No. 27 and C. B. No. 28; that C. B. No. 16 has been lost; that H. B. No. 30 has also been lost, and is transmitted.

JAMES B. WELLS,
Chief Clerk.

H. B. No. 39 was ordered enrolled.

The following reports were received :

Mr. Speaker :

Your Committee on Ways and Means, to whom was referred House Joint R. No. 4, have had the same under consideration, and respectfully report it back with the recommendation that it do pass.

SETTLE,
Chairman.

Mr. Speaker :

Your Committee on Ways and Means, to whom was referred House Joint Resolution No. 5, have had the same under consideration, and report it back with the recommendation that it do pass.

SETTLE,
Chairman.

Mr. Speaker :

Your Committee on Ways and Means, to whom was referred Council Joint Resolution No. 5, have had the same under consideration, and report it back with recommendation that it do pass.

SETTLE,
Chairman.

Mr. Speaker :

Your Committee on Ways and Means, to whom was referred House Bill No. 44, entitled "An Act concerning the fees of County Treasurer," have had the same under consideration, and respectfully report it back with the recommendation that it do not pass.

SETTLE,
Chairman.

Mr. Speaker :

A majority of your Committee on the Judiciary, to whom was referred House Bill No. 4, "A bill for an Act relative to water rights," herewith report a substitute for such bill, which they recommend be adopted and that the same do pass.

BLAKE.
SETTLE.
BATTEN,
FORBIS.

Mr. Speaker :

Your Committee on Federal Relations, to whom was referred Council Concurrent Resolution No. 2, beg leave to report that we have had the same under consideration, and would recommend that the same be amended as follows:

Add after "Sheridan," in line eight, the words "of the United

States Army." Add after "Senator," in the tenth line "from the State of Missouri." Also add to the end of said resolution:

"*Resolved*, That one copy of the foregoing be transmitted to each of the above named parties."

All of which is respectfully submitted,

R. O. HICKMAN,
Chairman.

Mr. Speaker:

Your Committee on Corporations have considered House Bill No. 61, "An Act regulating Insurance Companies," and recommend its passage.

COMLY,
Chairman.

Mr. Speaker:

Your Committee on Corporations, to whom was referred House Bill No. 60, "A bill concerning assessments upon the stock of corporations," beg leave to report that they have considered the same, and report the bill back with the accompanying amendments, and recommend that as so amended the bill do pass.

COMLY,
Chairman.

Mr. Speaker:

Your Committee on Towns and Counties would respectfully report House Bill No. 11, with Council amendments, back to the House and recommend its passage.

McADOW,
Chairman.

Mr. Speaker:

Your Committee on Printing have examined House Bills Nos. 49 and 75, and find the same correctly printed.

DEAN,
Chairman Committee.

On motion of Kanouse, the substitute offered by the Committee of the Judiciary to House Bill No. 4 was adopted, and the bill ordered printed.

Council Concurrent Resolution No. 2, House Bill No. 41, House Joint Resolutions Nos. 4 and 5 and Council Joint Resolution No. 5 were placed upon the General Orders for the consideration of the Committee of the Whole.

On motion of Comly, House Bill No. 60, with amendments offered by the Committee on Corporations, were referred to the Committee on Judiciary.

House Bill No. 61 was placed on the General Orders for consideration of the Committee of the Whole.

On motion of McAdow, the amendments adopted by the Council to House Bill No. 11 were concurred in.

House Bill No. 49 was referred to the Committee on Grazing and Stock Growing.

House bill No. 75 was referred to the Committee on Territorial Affairs.

The following reports were received :

Mr. Speaker :

Your Committee of the Whole, to whom was referred House Bill No. 33, with accompanying amendments of the Judiciary Committee thereto, have instructed me to report progress and ask leave to sit again.

CLUTTER,
Chairman.

Mr. Speaker :

Your Select Committee, to whom was referred House Bill No. 51, "An Act in relation to stallions," with accompanying amendments, have had the same under consideration, and beg leave to report the bill back with the recommendation that the bill as originally introduced do pass.

ALLEN,
Chairman.

On motion of Baker, the report of the Special Committee was adopted.

On motion of Kanouse, the Clerk was instructed to fill the first blank occurring in the bill by inserting the word "twenty," and the second by inserting the word "six."

On motion of Kanouse the rules were suspended, the bill was considered engrossed, and placed on the calendar for a third reading.

The Speaker announced that he had signed House Bills Nos. 44 and 57.

The following communication was received :

TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT,
Helena, M. T., February 16th, 1883.

To the House of Representatives :

GENTLEMEN: I have the honor to inform you that I have this day approved the following House Bills:

House Bill No. 32, "An Act to amend the Fourth Division of the Revised Statutes of Montana," entitled "Criminal Laws."

House Bill No. 42, "An Act to provide for the funding of the indebtedness of Jefferson County, Montana Territory."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY.
Governor.

Notices of the introduction of bills were given as follows:

By Armstrong—"A bill relating to estrays."

By Batten—"A bill for an Act in relation to insolvent debtors."

Also, "A bill for an Act to amend Section 87 of the Code of Civil Procedure."

Also, "A bill for an Act to provide for the trial of the rights of property levied upon, claimed by third parties and others."

By Baker—"An Act to provide for the Fort Benton Fire Department."

By Forbis—"A bill providing for the service of process in criminal causes upon corporations."

By Blake—"A bill to regulate the service of process on railroad corporations."

The following report was received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House Bills Nos. 44 and 57, and find the same correctly enrolled, and the bills are herewith presented to the Speaker of the House for his signature.

BLAKE.

Bills were introduced as follows:

By Blake—H. B. No. 82, "An Act regulating the service of process on railroad companies."

By Batten—H. B. No. 83, "An Act to amend the Code of Civil Procedure."

By Comly—H. B. No. 84, "An Act fixing the salary of the Clerk of the Supreme Court."

By Kanouse—H. B. No. 85, "A bill for an Act in relation to rights of way."

By Mills—H. B. No. 86, "A bill for an Act to provide for the protection of laborers in mines."

By Edwards—H. B. No. 87, "A bill to amend Section 348 of the Fifth Division of the Revised Statutes of Montana, relating to County Commissioners." Also,

H. B. No. 88, "A bill for an Act to amend Section 13 of the Fifth Division of the Revised Statutes of Montana, in relation to diseased animals."

By Settle—H. B. No. 89, "A bill for an Act to amend Sections 253 and 256, First Division, Code of Civil Procedure of the Revised Statutes of Montana."

C. B. No. 19, "An Act to incorporate the Town of Bozeman," was, under a suspension of the rules, read a first and second time by title.

Blake offered the following amendment:

Strike from Section 2, Article IV, the words, "who shall be taxing real estate holders."

On motion of Hickman the bill, with the amendment offered, were referred to the Committee on Towns and Counties.

C. B. No. 10, "An Act to amend Section 488 of the Fifth Division of the General Laws of Montana," was read first and second times, and referred to the Committee on Judiciary.

C. B. No. 27, "An Act to enable the County of Meagher to furnish the Court House and complete the jail," was read first and second times, and, on motion of Blake, was referred to a Special Committee, consisting of Blake, Kanouse and Comly.

On motion of Hickman, the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

The following communication was received:

COUNCIL CHAMBER.

Helena, M. T., February 17, 1883.

Mr. Speaker :

I have the honor to inform you that notices of the introduction of bills have been given as follows:

By White—"A bill for an Act in relation to County licenses."

Also, "A bill for an Act to apportion the members of the Legislative Assembly."

That the following, to wit: C. B. No. 7 and C. B. No. 9 have passed, and are herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

House Bills Nos. 82 and 83 were read first and second times, and referred to the Committee on Judiciary.

House Bill No. 84 was read first and second times, and referred to the Committee on Public Lands.

House Bills Nos. 85 and 86 were read first and second times, and ordered printed.

House Bill No. 87 was read first and second times, and referred to the Committee on Ways and Means.

House Bill No. 88 was read first and second times, and referred to the Committee on Grazing and Stock Growing.

House Bill No. 89 was read first and second times, and referred to the Committee on Judiciary.

On motion of McAdow, Dean was added to the Special Committee to whom was referred House Bill No. 27.

On motion of Settle the House adjourned until 10 A. M. Monday.

DAVID MARKS,
Chief Clerk.

FORTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 19th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the Chair.

Roll called—quorum present.

Prayer by the Chaplain:

Journal of forty-first day read and approved.

The following reports were received:

Mr. Speaker:

Your Committee on the Judiciary herewith report a substitute for House Bill No. 58, "An Act concerning the storage of powder," which the Committee recommends do pass.

Your Committee also reports amendments to House Bill No. 60, "A bill concerning assessments upon the stock of corporations," which they recommend be adopted, and that as so amended said bill do pass.

FORBIS,
Chairman.

Mr. Speaker:

Your Committee on Engrossment, to whom were referred House Bill No. 37, "An Act concerning the organization of the Legislative Assembly;" also, House Bill No. 53, a bill for "An Act entitled an Act to amend Section 1007 of the Fifth Division of the Revised Statutes of Montana;" also, House Bill No. 45, "An Act to amend an Act concerning chattel mortgages;" also, House Bill No. 64, "An Act concerning the change of names of persons;" also, House Bill No. 55, a bill for "An Act to prohibit the sale of firearms and ammunition to minors;" also House Bill No. 19, a bill for "An Act to provide for the better observance of Sunday as a day of rest;" also, House Bill No. 43, "An Act to amend an Act to provide for the payment of stock

killed or injured by railroads," beg leave to report that they have examined the same and find them correctly engrossed.

MANTLE,
Chairman.

Mr. Speaker :

Your Committee on Elections, to whom was referred House Bill No. 29, would respectfully report it back with the recommendation that it do not pass.

MALONY,
Chairman.

Mr. Speaker :

Your Committee on Mines and Minerals, to whom was referred the accompanying communication, herewith report the same back to the House with the accompanying resolution, which they recommend do pass.

O'GRADY,
Chairman Committee.

Mr. Speaker :

Your Committee on Grazing and Stock Growing, to whom was referred House Bill No. 88, have had the same under consideration, and beg leave to recommend that it do pass.

BAKER,
Chairman.

Mr. Speaker :

Your Committee on Grazing and Stock Growing, to whom was referred House Bill No. 49, have had the same under consideration, and beg leave to recommend that it do pass.

BAKER,
Chairman.

Notices of the introduction of bills were given as follows :

By Kanouse—"A bill to amend the Code of Civil Procedure."

By Wallace—"A bill in relation to fees of Probate Judge."

On motion of Blake, the substitute offered by the Judiciary Committee to H. B. No. 58 was adopted.

On motion of Blake the rules were suspended, substitute for H. B. No. 58 was considered engrossed, and placed upon the calendar for a third reading.

On motion of Forbis the amendments offered by the Judiciary Committee to H. B. No. 60 were adopted, the rules were suspended, and the bill ordered engrossed.

House Bills Nos. 29, 49 and 88 were placed upon the General Order for consideration of the Committee of the Whole.

Bills were introduced as follows:

By McAdow---H. B. No. 90, "An Act to protect the cattle."

By Kanouse—H. B. No. 91, a bill for "An Act to provide for special road tax."

By Baker—H. B. No. 92, "An Act to provide for the Fort Benton Fire Department."

By Batten—H. B. No. 93, "An Act in relation to insolvent debtors."

On motion of Batten, H. B. No. 52 was made a Special Order for 2:15 to-day.

C. B. No. 9, "A bill for an Act entitled an Act for the relief of A. W. Tanner," was read first and second times, and, on motion of Batten, was referred to the Committee on Ways and Means, with instructions to procure all the facts in the matter and report the same to the House.

On motion of Comly, the Chief Clerk was instructed to request the Council to forward to the House all papers of facts connected with C. B. No. 9.

C. B. No. 7, "An Act to enable the people of Glendive to erect a school house," was read first and second times, and referred to the Committee on Towns and Counties.

C. B. No. 28, "An Act in relation to County licenses," was read first and second times, and referred to the Committee on Ways and Means.

The following report was received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined H. B's. Nos. 39 and 11, and find the same correctly enrolled, and the bills are herewith presented to the Speaker of the House for his signature.

BLAKE.

H. J. R. No. 7 was read first and second times. On motion of Hickman the rules were suspended, the resolution considered engrossed, and was placed upon the calendar for a third reading.

House Bill No. 90 was read first and second times, and referred to the Committee on Grazing and Stock Growing.

H. B. No. 91 was read first and second times and ordered printed.

The Speaker announced that he had signed House Bills Nos. 11 and 39.

House Bill No. 92 was read first and second times, and referred to the Committee on Judiciary.

On motion of Mantle the rules were suspended, House Bill No. 93 was read first and second times by title, and referred to the Committee on Judiciary.

H. B. No. 58 was read a third time and passed by the following vote:

Ayes---Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, Mills, O'Grady, Settle, Wright, Mr. Speaker---21.

Noes---Wallace---1.

Absent---Erwin, Malony-- 2.

Title agreed to.

H. B No. 51 was read a third time, and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Clutter, Comly, Jacobs, Kanouse, McAdow, Mills, O'Grady, Settle—12.

Noes—Blake, Cooper, Dean, Edwards, Forbis, Hickman, Mantle, Wallace, Wright, Mr. Speaker—10.

Absent—Erwin, Malony—2.

Title agreed to.

H. J. R. No. 7 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—22.

Noes—None.

Absent—Erwin, Malony—2.

Title agreed to.

H. B. No. 43 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—22.

Noes—None.

Absent---Erwin, Malony---2.

Title agreed to.

H. B. No. 19 was read a third time.

Edwards moved a call of the House.

A call was had. Absent, Erwin.

The Sergeant-at-Arms was instructed to bring in the absentee.

Mantle moved to suspend a further call. Motion lost.

Blake moved to suspend a further call. Motion lost.

On motion of Settle a further call was dispensed with.

On motion of Settle, the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Jacobs moved a call of the House.

A call was had. Absent, Comly, Edwards.

The absentees having appeared, a further call was dispensed with.

H. B. No. 19 was lost by the following vote:

Ayes—Allen, Baker, Batten, Forbis, Hickman, Kanouse, Mantle, Mills, Wallace, Wright, Mr. Speaker—11.

Noes—Armstrong, Blake, Clutter, Comly, Cocper, Dean, Edwards, Erwin, Jacobs, Malony, McAdow, O'Grady, Settle—13.

H. B. No. 64 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Hickman, Kanouse, Mills, O'Grady, Settle, Wallace, Wright—18.

Noes—Forbis, Jacobs, Malony, Mantle, McAdow, Mr. Speaker—6.

Title agreed to.

Comly introduced H. J. R. No. 8, which was read first and second times, and, on motion of Hickman, it was referred to a Special Committee, consisting of Hickman, Forbis and O'Grady, with instructions to ascertain facts concerning the matter.

The following reports were received :

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that House Bills Nos. 11 and 39, were presented to the Governor for his approval on February 19, 1883, 12:20 P. M.

BLAKE.

Mr. Speaker :

Your Committee on the Judiciary herewith report House Bill No. 92, "An Act to provide for the Fort Benton Fire Department," herewith report the same back with accompanying amendment, and as so amended your Committee recommend said bill do pass.

FORBIS,
Chairman.

On motion of Forbis, the amendments offered by the Committee on Judiciary to H. B. No. 92 were adopted, the rules were suspended and the bill was ordered engrossed.

The following communication was received :

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, M. T., February 19th, 1883.

To the House of Representatives :

GENTLEMEN: I have the honor to inform you that I have this day approved the following House Bills:

House Bill No. 44, "An Act concerning oaths of office."

House Bill No. 57, "An Act concerning the jurisdiction of the Supreme Court."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

The hour having arrived for which the House made H. B. No. 52 a Special Order, the House resolved itself into a Committee of the Whole for its consideration.

Mantle in the chair.

House resumed.

Mr. Speaker in the chair.

H. B. No. 55 was read a third time and passed by the following vote :

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Edwards, Forbis, Hickman, Kanouse, Mantle, McAdow, Mills, O'Grady, Wallace, Mr. Speaker—18.

Noes—Dean---1.

Absent---Erwin, Jacobs, Malony, Settle, Wright---5.

Title agreed to.

H. B. No. 37 was read a third time.

On motion of Comly, the Clerk was instructed to insert the following to the bill in presence of the House:

Add to Section 7, "but the provisions of this Act shall not apply to the present Legislative Assembly."

The bill, as amended, passed by the following vote:

Ayes—Allen, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Kanouse, Mantle, Mills, O'Grady, Wallace—16.

Noes—Armstrong, McAdow, Mr. Speaker—3.

Absent—Erwin, Jacobs, Malony, Settle, Wright—5.

Title agreed to.

H. B. No. 45 was read a third time.

On motion the rules were suspended, and the bill recommitted to the Committee on Judiciary by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Dean, Edwards, Forbis, Hickman, Mantle, McAdow, Mills, O'Grady, Settle, Wallace—17.

Noes—Cooper, Kanouse, Mr. Speaker—3.

Absent—Erwin, Jacobs, Malony, Wright—4.

H. B. No. 53 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Clutter, Comly, Edwards, Forbis, Hickman, Kanouse, Mantle, McAdow, Mills, O'Grady, Wallace, Mr. Speaker—16.

Noes—Blake, Cooper, Dean—3.

Absent—Erwin, Jacobs, Malony, Settle, Wright—5.

Title agreed to.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., February 19th, 1883.

Mr. Speaker:

I have the honor to inform you that notices of the introduction of bills have been given as follows:

By Hamilton—"A bill for an Act to enable Choteau County to complete their jail."

Also, "A bill for an Act to incorporate the Town of Benton."

By Gillette—"A bill for an Act in reference to the fees of Clerks of Probate Courts."

By Chessman—"A bill for an Act to provide for the levy and collection of street taxes in incorporated towns and cities."

That bills were introduced as follows:

By Cardwell--C. B. No. 34, "An Act in relation to wire fences."

By White--C. B. No. 35, "A bill for an Act in relation to County licences."

By Cardwell--C. B. No. 36, "A bill in relation to the Law Division and Miscellaneous Division of the Montana Library."

That the following, to wit: C. J. R. No. 6, C. B. No. 31, C. B. No. 33, C. B. No. 30, C. B. No. 32, and substitute for C. B. No. 13 have passed and are herewith transmitted.

Responsive to request of House, I also have the honor to transmit all papers relative to C. B. No. 9.

JAMES B. WELLS,
Chief Clerk.

On motion of Comly the House adjourned until 10 A. M. tomorrow.

DAVID MARKS,
Chief Clerk.

FORTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., February 20th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of forty-third day read and approved.

The following reports were received :

Mr. Speaker :

Your Committee of the Whole, having under consideration House Bill No. 52, have instructed me to report progress, and ask leave to sit again.

MANTLE,
Chairman.

Mr. Speaker :

Your Committee on Engrossment herewith reports the following bills correctly engrossed :

House Bill No. 60, "An Act concerning assessments upon the stock of corporations."

House Bill No. 92, "An Act to provide for the Fort Benton Fire Department."

MANTLE, "
Chairman.

Mr. Speaker :

Your Committee on Education and Labor, to whom was referred House Bill No. 48, "A bill providing for the incorporation of institutions of learning," beg leave to report that they have examined said bill, and would respectfully recommend its passage with the following amendments :

Amend enacting clause so that it shall read as follows : "Be it

enacted by the Legislative Assembly of the Territory of Montana." Add to Section 3 the following additional subdivisions:

"Fourth. The place of business of the institution."

"Fifth. The particular character of the institution." Insert after the word "death," in line 9 of Section 7, the word "resignation." Strike from line 10 of Section 8 the word "amount," and substitute in lieu thereof the word "value."

Respectfully submitted,

BATTEN,
Chairman.

Mr. Speaker :

Your Committee on Territorial Affairs, to whom was referred House Bill No. 24, "An Act to establish boards of health," have considered the same and recommend that the substitute herewith be adopted in lieu of the original bill, and that the same do pass.

KANOUSE,
Chairman.

Mr. Speaker :

Your Committee on Grazing and Stock Growing, to whom was referred House Bill No. 90, beg leave to report that they have examined the same, and recommend that it do pass.

BAKER,
Chairman.

Mr. Speaker :

Your Committee on Printing have examined House Bills Nos. 76 and 78, and find the same correctly printed, except two typographical errors.

DEAN,
Chairman Committee.

On motion of Forbis, the amendments reported by Committee on Education and Labor to H. B. No. 48 were adopted, and the bill was ordered engrossed.

On motion of Wallace, the substitute offered by the Committee on Territorial Affairs to H. B. No. 24 was adopted, and the bill placed upon the General Orders for the consideration of the Committee of the Whole.

H. B. No. 90 was placed upon the General Orders for the consideration of the Committee of the Whole.

H. B. No. 78 was referred to the Committee on Judiciary.

H. B. No. 76 was referred to the Committee on Corporations.

The following communication was received :

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, M. T., Feb. 19th, 1883.*To the House of Representatives :*

GENTLEMEN: I have the honor to inform you that I have this day approved the following House Bills:

H. B. No. 11, "An Act to regulate city and village plats."

H. B. No. 39, "An Act concerning depositions taken out of this Territory."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

Clutter gave notice of the introduction of "a bill to regulate the practice of medicine in Montana Territory."

Bills were introduced as follows:

By Forbis---H. B. No. 94, "A bill providing for the service of process in criminal cases upon corporations."

By Wallace—H. B. No. 95, "An Act prescribing the fees of Probate Judge."

By Settle—H. B. No. 96, "An Act concerning building associations."

By Kanouse—H. B. No. 97, a bill for "An Act to amend the Code of Civil Procedure."

C. B. No. 13, "A bill for an Act to amend an Act regulating the Montana Library," was read first and second times.

On motion of Forbis the bill was amended as follows:

Add after the words "Montana Library," in line 2 of Section 1, the words "approved February 21, 1883."

The bill as amended was referred to the Committee on Education and Labor.

C. B. No. 32, "A bill for an Act to amend Section 507 of Chapter 20, Fifth Division, Revised Statutes of Montana," was read first and second times, and referred to the Committee on Judiciary.

C. B. No. 30, "An Act to enable the citizens of Jefferson County to vote on the proposition of changing the County seat," was read first and second times, and referred to the Committee on Towns and Counties.

C. B. No. 33, "A bill for an Act relating to the official survey of the town site of Helena," was read first and second times, and, on motion, was referred to a Select Committee, consisting of members residing in Helena.

C. B. No. 31, "An Act to provide for the care and maintenance of Territorial convicts," was read first and second times, and referred to the Committee on Federal Relations.

C. J. R. No. 6, "Making appropriation for the purpose of collecting statistics for the Historical Society of Montana," was read first and second times, and referred to the Committee on Ways and Means.

H. B's. Nos. 94 and 95 was read first and second times and ordered printed.

House Bill No. 96 was read first and second times, and referred to the Committee on Corporations.

House Bill No. 97 was read first and second times, and referred to the Committee on Judiciary.

On motion of Blake the rules were suspended, House Bill No. 60 was read a third time by title, and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, O'Grady, Wallace, Wright, Mr. Speaker—21.

Noes—None.

Absent—Malony, Mills, Settle—3.

Title agreed to.

H. B. No. 92 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—22.

Noes—None.

Absent—Comly, Malony—2.

Title agreed to.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Blake in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Hickman the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

The Speaker was granted leave of absence for the afternoon.

Forbis in the chair.

The following reports were received :

Mr. Speaker :

Your Committee of the Whole House, to whom were referred House Joint Resolutions, numbered 4 and 5, and Council Joint Resolution No. 5, have considered the same, and directed me to report the same back to the House, and recommend that said resolutions do pass.

BLAKE.

Mr. Speaker :

Your Committee of the Whole House, to whom were referred C. C. R. No. 2, and the report of the Committee on Federal Relations thereon, have considered the same, and directed me to report back to the House the resolution with the accompanying amendments, and recommend that as so amended it do pass.

BLAKE.

On motion of Blake the amendments offered by the Committee of the Whole to C. C. R. No. 2 were adopted.

On motion of Hickman the rules were suspended, the amendments considered engrossed, and the resolution was placed on the calendar for a third reading.

H. J. R's. Nos. 4 and 5 were ordered engrossed.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Blake in the chair.

House resumed.

Forbis in the chair.

The following communication was received :

COUNCIL CHAMBER,
Helena. M. T., February 20th, 1883.

Mr. Speaker :

I have the honor to inform you that bills have been introduced as follows:

By Chessman—C. B. No. 37, "An Act to provide for the levy and collection of street taxes in incorporated towns and cities."

By Hamilton---C. B. No. 38, "An Act supplemental to an Act, entitled an Act to enable the County of Choteau to erect a jail, approved February 22d, A. D., 1881."

JAMES B. WELLS,
Chief Clerk.

On motion of Batten, H. B. No. 52 was made a Special Order for 2:15 to-morrow.

On motion of Comly the House adjourned until 2 p. m. to-morrow.

DAVID MARKS,
Chief Clerk.

FORTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
Helena. M. T., February 21st, 1883.

House met pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the forty-fourth day read and approved.

The following reports were received:

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that House Bills Nos. 44 and 57, were presented to the Governor for his approval on February 17, 1883, at 2 p. m.

BLAKE.

Mr. Speaker :

Your Committee on Corporations report back House Bill No. 76, "An Act to provide for the levy and collection of taxes upon the property of Railroad Companies in this Territory," and House Bill

No. 96, "An Act concerning building coporations," and recommend their passage.

COMLY,
Chairman.

Mr. Speaker :

Your Committee on Education and Labor, to whom was referred Council Bill No. 13, beg leave to report that they have examined the same, and recommend its passage with the following amendment: Insert after the words "Montana Library," in line 2 of Section 1, the words "approved 21st, 1881."

Respectfully submitted,

BATTEN,
Chairman.

Mr. Speaker :

Your Committee on Territorial Affairs, to whom was referred House Bill No. 75, "An Act concerning the letting of service of convicts confined in the Territorial Penitentiary at Deer Lodge," have considered said bill and recommend that it do pass.

KANOUSE,
Chairman.

Mr. Speaker :

Your Committee on Territorial Affairs have had under consideration House Bill No. 73, "An Act apportioning members of the Legislative Assembly," and recommend the adoption of the accompanying amendment, and that as so amended the bill do pass.

KANOUSE,
Chairman.

Mr. Speaker :

The majority of the Judiciary Committee have considered House Bill No. 89, "An Act to amend Sections 253 and 256, First Division, Code of Civil Procedure of the Revised Statutes of Montana," and recommend its passage.

COMLY,
BATTEN,
SETTLE.

Mr. Speaker :

Your Committee on Federal Relations, to whom was referred Council Bill No. 31, beg leave to report that we have duly considered the same, and would recommend that the bill be amended by striking out of the fourth line of Section 230 the word "least," and insert in lieu thereof the word "best," and with said amendment the bill do pass.

R. O. HICKMAN,
Chairman.

Mr. Speaker :

Your Committee on Printing have examined House Bills Nos. 4 and 79, and find the same correctly printed.

DEAN,
Chairman Chairman.

On motion of Kanouse, the rules were suspended and House Bill No. 75 was placed upon the calendar for a third reading.

House Bill No. 73 was placed on the General Order for the consideration of the Committee of the Whole.

The following reports were received :

Mr. Speaker :

Your Committee of the Whole House, to whom were referred House Bills Nos. 29 and 41, have considered the same and directed me to report back the bills with the recommendation that they do not pass.

BLAKE.

Mr. Speaker :

Your Committee of the Whole House, to whom were referred House Bills Nos. 66 and 90, and the substitute for House Bill No. 20, have considered the same and directed me to report back the bills and substitute with the recommendation that they do pass.

BLAKE.

Mr. Speaker :

Your Committee of the Whole House, to whom were referred House Bills Nos. 74, 88, 49 and 61, and the substitute for House Bill No. 24, have considered the same and directed me to report back the bills and substitute with the accompanying amendments, and recommend that as so amended they do pass.

BLAKE.

House Bills Nos. 76, 96, 89, 4, and Council Bill No. 13 were placed on the General Orders for the consideration of the Committee of the Whole.

On motion of Comly the rules were suspended, C. B. No. 31 was read a third time by title, and passed by the following vote :

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—22.

Noes—None.

Absent---Edwards, Erwin---2.

Title agreed to.

H. B. No. 79 was referred to the Committee on Grazing and Stock Growing.

On motion of Blake, the rules were suspended and H. B's. Nos. 29, 41, 20, 90 and 66 were considered engrossed and placed on file for a third reading.

On motion of Blake, the Clerk was instructed to insert the amendment adopted to H. B. No. 61 in the presence of the House.

On motion of Blake the rules were suspended, H. B. No. 61 was considered engrossed, and placed on the calendar for a third reading.

On motion of Blake the amendments offered by the Committee of the Whole to H. B. No. 49 were adopted.

Mantle moved to amend line 10 of Section 2 of the bill by striking out the word "six," and inserting the word "three." Motion lost.

H. B. No. 49 was ordered engrossed.

On motion of Blake, the amendments offered by the Committee of the Whole to H. B. No. 74 were adopted, and the bill was ordered engrossed.

On motion of Baker, the amendments offered by the Committee of the Whole to H. B. No. 88 were adopted, and the bill was ordered engrossed.

On motion of Hickman, the amendments offered by the Committee of the Whole to H. B. No. 24 were adopted, and the bill was ordered engrossed.

Notice was given as follows:

Mr. Speaker:

I hereby give notice that I will on to-morrow, or some subsequent day, introduce a bill for an Act looking to the creation of a mining commission, whose duty it shall be to foster, encourage, aid and protect the mining industry, with power to draw on the Territorial Treasury for a sum not to exceed \$25,000.00 per annum.

MANTLE.

Bills were introduced as follows:

By Batten—H. B. No. 98, "An Act to provide for the rights of property levied upon and claimed by third parties and others."

By McAdow—H. B. No. 99, "An Act in relation to Territorial and County officers."

By Mantle—H. B. No. 100, "A bill for an Act concerning disincorporations."

By Armstrong—H. B. No. 101, "A bill for an Act relating to estrays."

By Allen--H. J. M. No. 7, "Asking the Congress of the United States for the passage of an Act to enable persons who have settled upon land in the Territory of Montana, embraced within the grant of lands to the North Pacific Railroad Company, and made valuable improvements thereon, so embraced and designated in the resolution of said Company bearing date November 19th, 1879."

H. J. R. No. 7 was read first and second times, and referred to the Committee on Public Lands.

H. B's. Nos. 98, 99 and 101 was read first and second times, and ordered printed.

H. B. No. 100 was read first and second times, and referred to the Committee on Corporations.

H. B. No. 29 was read a third time.

Kanouse moved a call of the House.

A call was had. Absent, Allen, O'Grady, Settle.

Blake moved that a further call be dispensed with. Motion lost.

The absentees having appeared in their seats, a further call was dispensed with.

Settle moved to take a recess until 2 P. M. Motion lost.

Comly moved to take a recess until 2 P. M. Motion lost.

On motion of Settle, the House took a recess until 2:10 P. M.

2:10 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Mantle moved to suspend the rules and recommit H. B. No. 29. Motion lost by the following vote:

Ayes—Blake, Clutter, Cocper, Dean, Edwards, Erwin, Forbis, Hickman, Mantle, Mills, Wallace, Wright—12.

Noes—Allen, Armstrong, Baker, Batten, Comly, Jacobs, Kanouse, Malony, McAdow, O'Grady, Settle, Mr. Speaker—12.

H. B. No. 29 was lost by the following vote:

Ayes—Allen, Blake, Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Mantle, Wallace, Wright—12.

Noes—Armstrong, Baker, Batten, Comly, Jacobs, Kanouse, Malony, McAdow, Mills, O'Grady, Settle, Mr. Speaker—12.

H. B. No. 61 was read a third time, and passed by the following vote:

Ayes—Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—Allen, Edwards, O'Grady—3.

Title agreed to.

H. B. No. 41 was read a third time, and lost by the following vote:

Ayes—Blake, Clutter, Cooper, Dean, Hickman, Kanouse, Wallace, Wright—8.

Noes—Allen, Armstrong, Baker, Batten, Comly, Edwards, Erwin, Forbis, Jacobs, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Mr. Speaker—16.

H. B. No. 20 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—24.

Noes—None.

Title agreed to.

H. B. No. 90 was read a third time, and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright—23.

Noes—Mr. Speaker—1.

Title agreed to.

H. B. No. 66 was read a third time.

Allen moved to suspend the rules and recommit the bill. Motion lost.

The bill passed by the following vote:

Ayes—Allen, Armstrong, Baker, Blake, Clutter, Edwards, Forbis, Hickman, Jacobs, Malony, Mantle, McAdow, Mills, Wallace, Wright, Mr. Speaker—16.

Noes—Comly, Cooper, Kanouse, O'Grady, Settle—5.

Absent—Batten, Dean, Erwin—3.

Title agreed to.

H. B. No. 75 was read a third time and passed by the following vote:

Ayes—Armstrong, Clutter, Comly, Cooper, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, Settle, Wallace—14.

Noes—Baker, Batten, Blake, Dean, Edwards, O'Grady, Wright, Mr. Speaker—8.

Absent—Allen, Erwin—2.

Title agreed to.

Mantle gave notice of a motion to reconsider the vote by which H. B. No. 75 passed.

Comly moved to reconsider the vote by which H. B. No. 75 passed, and to lay that motion on the table.

The motion to lay the motion to reconsider on the table was lost by the following vote:

Ayes—Armstrong, Comly, Cooper, Forbis, Hickman, Jacobs, Malony, McAdow, Settle, Wallace—10.

Noes—Baker, Batten, Blake, Dean, Edwards, Kanouse, Mantle, Mills, O'Grady, Wright, Mr. Speaker—11.

Absent—Allen, Clutter, Erwin—3.

Comly moved a call of the House.

A call was had. Absent, Allen, Erwin.

The Sergeant-at-Arms was instructed to bring in the absentees.

O'Grady moved to dispense with a further call. Motion lost.

On motion of Kanouse a further call was dispensed with.

On motion of Mantle, the further consideration of the motion to reconsider H. B. No. 75 was made a Special Order for Saturday, the 24th inst., at 2:30 p. m.

On motion of Batten, H. B. No. 52 was made a Special Order for Friday, at 2:30 p. m.

On motion of Forbis, in commemoration of the anniversary of the birth of George Washington, the Father of our Country, the House adjourned until Friday, at 10 o'clock A. M.

DAVID MARKS,
Chief Clerk.

FORTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 23d, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the Chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of forty-fifth day read and approved.

The following reports were received:

Mr. Speaker :

Your Committee on Grazing and Stock Growing, to whom was referred House bill No. 79, have examined same, and beg leave to recommend that it do pass.

BAKER,
Chairman.

Mr. Speaker :

Your Committee on Printing have examined House bills Nos. 85 and 86, and find the same correctly printed.

DEAN,
Chairman Committee.

Mr. Speaker :

Your Committee on Corporations have considered House bill 100, "An Act concerning disincorporation," and report the bill back recommending its passage.

COMLY,
Chairman.

Mr. Speaker :

Your Committee on the Judiciary herewith reports C. B. No. 10, "A bill for an Act to amend Section 488, Fifth Division of the Gen-

eral Laws of Montana," with accompanying amendment. Also, H. B. No. 81, a bill for an "Act to prevent the carrying of deadly weapons," with amendment, and as so amended your Committee recommends said bills do pass.

Your Committee also reports C. B. No. 17, without amendment, and recommends said bill do pass.

FORBIS,
Chairman.

House bill No. 79 was placed upon the General Orders for the consideration of the Committee of the Whole.

House bill No. 85 was referred to the Committee on Roads and Highways.

House bill No. 86 was referred to the Committee on Mines and Minerals.

On motion of Blake the rules were suspended and Council bill No. 17 was placed on the calendar for a third reading.

On motion of Mantle the rules were suspended, House bill No. 100 was considered engrossed and placed upon file for a third reading.

On motion of Blake the amendments offered by the Judiciary Committee to Council bill No. 10 were adopted, the rules were suspended, the amendments considered engrossed and the bill placed on file for a third reading.

On motion of Wallace the amendments offered by the Judiciary to House bill No. 81 was adopted and the bill was ordered engrossed.

The following communication was received:

COUNCIL CHAMBER.
Helena, M. T., February 21st, 1883.

Mr. Speaker:

I have the honor to inform you that the following bills have been introduced:

By Witter, Council bill No. 39, "An Act defining the boundary line of Silver Bow County."

By Stuart, under unanimous consent and without previous notice, Council bill No. 40, "An Act to fix the salary of the Treasurer of Silver Bow County."

By White, Council bill No. 41, "An Act to apportion the members of the Legislative Assembly;" that Council bill No. 40 has been indefinitely postponed; that the following, to-wit: House bill No. 71,

substitute for House bill No. 28, as amended, House bill No. 69, as amended, House bill No. 80, House bill No. 55, as amended, Council bill No. 23 and Council bill No. 25 have passed the Council and are herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

House bills 71 and 80 were ordered enrolled.

On motion of Comly House bill No. 28, with amendments offered by the Council, were referred to the Committee on Mines and Minerals.

On motion of Hickman Council amendments to House bill 69 were concurred in by the House, and the bill ordered enrolled.

On motion of Allen Council amendments to House bill No. 55 were concurred in by the House and the bill ordered enrolled.

The following reports were received :

Mr. Speaker :

Your Committee on Ways and Means, to whom were referred H. B. No. 70, have had the same under consideration and offer the following amendment and with said amendment report it back with the recommendation that it do pass.

SETTLE,
Chairman.

Mr. Speaker :

Your Committee on Ways and Means to whom was referred C. J. R. No. 6, have had the same under consideration and respectfully report it back with the recommendation that it do pass.

SETTLE,
Chairman.

Mr. Speaker :

Your Committee on Ways and Means, to whom was referred H. B. No. 87, have had the same under consideration, and respectfully report it back with recommendation it do pass.

SETTLE,
Chairman.

Mr. Speaker :

Your Committee on Towns and Counties, to whom was referred C. B. No. 19, "An Act to incorporate the town of Bozeman," have had the same under consideration, and would respectfully re-

port the same back to the House with accompanying amendments, and recommend the passage of the bill as amended.

McADOW,
Chairman.

Mr. Speaker :

Your Committee of Ways and Means, to whom was referred C. B. No. 9, "A bill for the relief of A. W. Tanner," in accordance with their instructions, by motion, to report facts, submit the following:

That A. W. Tanner, in the year 1872, was deputy sheriff in and for Gallatin County, M. T., as messenger, in obedience to a requisition issued by the Governor of Montana to the Governor of Ohio for the arrest of one Augustus Callahan, against whom there was an indictment for grand larceny, in Gallatin County, of this Territory, went to Columbus, Ohio, and from thence as messenger to convey a warrant to the sheriff of Ross County, in said State of Ohio; that he did deliver the warrant of the Governor of Ohio to the sheriff of Ross County, at the town of Chillacothé, the county seat of said County.

The sheriff was unable to find the party designated in the warrant, and Mr. Tanner was compelled to return without him. Soon after the return of Tanner the sheriff of Gallatin County, one John C. Guy, applied to the Governor of this Territory for the pay for the performance for said duty contemplated in the requisition, which amounted, under the laws then existing, to the sum of \$1,933.60, or thereabouts.

The Governor asked, as a favor, that, in consideration of certain charges having been made against him in the matter of a previous requisition which he had issued, that Sheriff Guy would present his claim to the Legislature, soon to convene, with assurance that the relief sought would meet his endorsement and approval. The claim was presented to the Legislative Assembly in 1873, and at two subsequent sessions.

The first two sessions the claim was made in the name of J. C. Guy, and the next in the name of A. W. Tanner; that all their efforts, from some cause, failed to secure the relief prayed for, and that in the year 1877 Mr. Tanner appealed to the courts for a mandamus to compel payment of his claim. The statement of E. W. Toole, is, the court held that as to issuing of mandamus that the length of time intervening from the date of service to the time of bringing suit was such that they declined to issue mandamus, but says both district and supreme courts held that as to the statutes of limitation the claim was not barred, but granting or refusing writ was a matter of discretion with the court.

Mr. Tanner represents to us that his actual expenses incurred in the trip, of which he showed an itemized account, amounted to \$578.08, on which, were he allowed simple interest at the rate of six per cent per annum since 1872, the interest and original expenditure would amount, at this time, to \$946.56.

The claim of Mr. Tanner presented to the Legislative Assembly was for the amount of \$1,000.00 which, it would appear, after much

deliberation, has been amended to read \$800.00, and as so amended, has unanimously passed the Council.

From the papers in our possession and the evidence of individuals who are more or less acquainted with the facts in the case, it is the opinion of your Committee that, in justice, Mr. Tanner is entitled to the relief asked for, and your Committee therefore recommends that the bill do pass.

SETTLE,
EDWARDS,
MANTLE,
JACOBS,
MILLS.

On motion of Blake the rules were suspended and Council Joint R. No. 6 was placed upon the calendar for a third reading.

On motion of Blake the amendments offered by the Committee on Ways and Means to House bill No. 70 were adopted and the bill placed upon the General Orders for the consideration of the Committee of the Whole.

On motion of Edwards the rules were suspended, Council bill No. 9 and House bill No. 87 were considered engrossed, and placed on the calendar for a third reading.

Council bill No. 19, with amendments offered thereto by the Committee on Towns and Counties, was placed on the General Orders for the consideration of the Committee of the Whole.

The following reports were received :

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that they have examined Council Joint Memorial No. 1, and find the same correctly enrolled, and the Memorial is herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker :

Your Select Committee of members resident in Helena have considered Council bill No. 15, "An Act to amend an Act to incorporate the city of Helena." approved February 22d, 1881. The principal object of said bill is to permit the city council to borrow \$20,000.00 for five purposes, etc. We therefore, in consideration of the necessity of such a loan for such use, recommend the passage of the bill.

H. R. COMLY,
R. C. WALLACE,
Committee.

Mr. Speaker :

Your Select Committee of members residing in Helena have considered Council bill No. 33, "An Act relating to the official survey of the townsite of Helena," and respectfully report that they believe it necessary in order to settle the question of title to property in the town, and give a legal status to the survey of said town, and therefore recommend its passage.

H. R. COMLY,
R. C. WALLACE,
Committee.

On motion of Comly the Rules were suspended, Council bills 15 and 33 were placed on the calendar for a third reading.

Bills were introduced as follows:

By Hickman—H. B. No. 102, "An Act to amend an Act entitled 'An Act to incorporate the city of Virginia,' approved December 30th, 1864.

By Settle—H. B. No. 103, "An Act to encourage the construction of artesian wells in the Territory of Montana."

The Speaker announced that he had signed four copies of C. J. M. No. 1.

Council bill No. 23, "An Act concerning records of Placer mining locations," was read first and second times and referred to Committee on Mines and Minerals.

Council bill No. 35, "A bill for an Act in relation to County Licenses," was read first and second times and referred to Committee on Ways and Means.

House bill No. 102 was read first and second times. On motion of Hickman the rules were suspended, the bill was considered engrossed, and placed on the calendar for a third reading.

House bill No. 103 was read first and second times and ordered printed.

H. B. No. 87 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Comly, Dean, Edwards, Hickman, Jacobs, Mantle, McAdow, O'Grady, Settle, Wallace, Wright, Mr. Speaker—17.

Noes—Clutter, Forbis—2.

Absent—Cooper, Erwin, Kanouse, Malony, Mills—5.

Title agreed to.

H. B. No. 100 was read a third time, and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Dean, Edwards, Forbis, Hickman, Jacobs, Mantle, McAdow, O'Grady, Settle, Wallace, Wright—18.

Noes—Mr. Speaker—1.

Absent—Cooper, Erwin, Kanouse, Malony, Mills—5.

Title agreed to.

C. B. No. 15 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—None.

Absent—Erwin, Kanouse, Malony—3.

Title agreed to.

H. B. No. 102 was read a third time, and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Mantle, McAdow, O'Grady, Settle, Wallace, Wright, Mr. Speaker—20.

Noes—None.

Absent—Erwin, Kanouse, Malony, Mills—4.

Title agreed to.

C. J. R. No. 6 was read a third time and passed by the following vote:

Ayes—Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright—19.

Noes—Allen, Mr. Speaker—2.

Absent—Erwin, Kanouse, Malony—3.

Title agreed to.

On motion of Armstrong, the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

C. C. R. No. 2 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Blake, Clutter, Cooper, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—20.

Noes—None.

Absent—Batten, Comly, Dean, Erwin—4.

Title agreed to.

C. B. No. 9 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Blake, Clutter, Cooper, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright—Mr. Speaker—20.

Noes—None.

Absent—Batten, Comly, Dean, Erwin—4.

Title agreed to.

C. J. R. No. 5 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Blake, Clutter, Cooper, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright—19.

Noes—Mr. Speaker—1.

Absent—Batten, Comly, Dean, Erwin—4.

Title agreed to.

C. B. No. 10 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Blake, Clutter, Comly, Cooper, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—None.

Absent—Batten, Dean, Erwin—3. Title agreed to.

Council bill No. 33 was read a third time and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Clutter, Comly, Cooper, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright—19.

Noes—Mr. Speaker—1.

Absent—Batten, Blake, Dean, Erwin—4. Title agreed to.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred House bill N. 48, "A bill providing for the incorporation of institutions of learning," also, H. J. R. No. 4, "To pay for wood cuts used in pub-

lishing marks and brands," also, H. J. R. No. 5, "For the relief of Edmund W. Bach," also, House bill 49, "An Act for the better protection of live stock in the Territory of Montana," also, House bill No. 88, "A bill for an Act to amend Section 13, of the Fifth Division of the Revised Statutes of Montana in relation to diseased animals," also, substitute for House bill No. 24, "An Act to establish Boards of Health," also, House bill No. 74, "An Act to enable the County of Choteau to erect a court house," beg leave to report that they have examined the same, and find them correctly engrossed.

MANTLE,
Chairman.

On motion of Allen H. B. 52 was placed on the General Orders.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Mantle in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Baker the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

FORTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES.

Helena, M. T., February 24th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of forty-seventh day read and approved.

A petition from the citizens of Beaverhead County, relative to the protection of stock interests, was read and referred to the Committee on Grazing and Stock Growing.

The following communication was received:

COUNCIL CHAMBER.

Helena, M. T., February 23d, 1883.

Mr. Speaker:

I have the honor to inform you that notices of the introduction of bills have been given as follows:

By Thomas—"A bill for an Act entitled an Act to repeal Section 942 of the Fifth Division of the Revised Statutes."

By Mitchell—"An Act to prescribe the fees of jurors and witnesses in the Probate and Justices' Courts."

That the following has been introduced:

By Hamilton—C. J. M. No. 2, "Concerning the treatment of Indians, and depredations committed by them upon settlers and their property."

That House amendments to C. B. No. 31 have been concurred in by the Council.

That the following, to wit: C. J. M. No. 2, H. J. R. No. 7, H. B. No. 7, C. B. No. 8 have passed, and are herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

H. B. No. 7 and H. J. R. No. 7 were ordered enrolled.

The following reports were received :

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that they have examined House Bills Nos. 80, 55, 71 and 69, and Council Bill No. 31, and find the same correctly enrolled, and the bills are herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker :

Your Committee on Mines and Minerals, to whom was referred Council Bill No. 23 have had the same under consideration, and do report the same back to the House with the recommendation that it do pass.

O'GRADY,
Chairman.

Mr. Speaker :

Your Committee on Towns and Counties, to whom was referred C. B. No. 30, "An Act to enable the citizens of Jefferson County to vote on the proposition of changing the County seat," beg leave to report the following facts :

The present County seat, "Radersburg," is located on one side of the County, and the necessity for moving it is for the purpose of accommodating the citizens, and to save the enormous expense of mileage in traveling to and returning from the County seat.

Boulder City is situated near the center of the County, and it is claimed that it will accommodate a majority of the citizens, and be the means of a great saving of expense to the tax-payers.

McADOW, Chairman,
J. F. MALONY,
J. E. KANOUSE,
BAKER.

Mr. Speaker :

I would respectfully beg leave to report as follows :

* That the necessity of moving the County seat of Jefferson County from Radersburg is admitted by a large majority of the citizens of said County.

Being of the opinion that to move said County seat in the manner proposed by Council Bill No. 30 is impracticable. "

I would, therefore, recommend that the accompanying bill be adopted in lieu of the original bill.

ALLEN.

Mr. Speaker :

Your Committee on Towns and Counties, to whom was referred C. B. No. 7, respectfully report it back with the recommendation that it do pass.

McADOW,

Mr. Speaker:

Your Committee on Mines and Minerals, to whom was referred H. B. No. 86, have had the same under consideration, and respectfully report the same back to the House with the recommendation that it do pass.

O'GRADY,
Chairman.

C. B's. Nos. 23 and 30, and H. B. No. 86 were placed on the General Orders for the consideration of the Committee of the Whole.

On motion of McAdow the rules were suspended, and C. B. No. 7 was placed on the calendar for a third reading.

The following reports were received:

Mr. Speaker:

Your Committee of the Whole, to whom were referred substitute for H. B. No. 4, "A bill relative to water rights," also substitute for C. B. No. 13, "A bill for an Act to amend an Act entitled an Act regulating the Montana Library," have instructed me to report the same back with amendments, and the recommendation that they do pass.

MANTLE,
Chairman.

Mr. Speaker:

Your Committee of the Whole, having under consideration H. B. No. 76, have instructed me to report progress on same, and ask leave to sit again.

MANTLE,
Chairman.

On motion of Comly, substitute for H. B. No. 4 was made a Special Order for 3 P. M. to-day.

On motion of Blake the amendment offered to C. B. No. 13 by the Committee of the Whole was adopted.

Bills were introduced as follows:

By Forbis—H. B. No. 104, a bill to amend "An Act entitled an Act to create the County of Silver Bow and for the election of officers thereof."

By Batten—H. B. No. 105, "An Act to incorporate the Town of Missoula."

By Edwards—H. B. No. 106, "A bill for an Act to punish persons unlawfully diverting water."

By Blake—H. J. R. No. 9, "Making appropriation for the Law Division of Montana Territory."

Council Joint Memorial No. 2, "Concerning the treatment of Indians and depredations committed by them upon settlers and their property," was read first and second times, and, on motion of Malony, the rules were suspended and the memorial placed on the calendar for a third reading.

Council Bill No. 38, "An Act supplemental to an Act entitled an Act to enable the County of Choteau to erect a jail, approved February 22d, A. D., 1881," was read first and second times, and, on motion of Baker, the rules were suspended and the bill placed on the calendar for a third reading.

House Joint Resolution No. 9 was read first and second times, and, on motion of Forbis, the rules were suspended, the bill considered engrossed, and placed on file for a third reading.

House Bill No. 104 was read first and second times, and, on motion of Mantle, the rules were suspended, the bill was considered engrossed, and placed on the calendar for a third reading.

The Speaker announced that he had signed House Bills Nos. 55, 71, 69 and 80, also Council Joint Resolution No. 2 and Council Bill No. 31.

On motion of Jacobs, the petition from citizens from Beaverhead County was called from the Committee on Grazing and Stock Growing, and the Clerk was instructed to transmit the same to the Council.

On motion of Blake the rules were suspended, and House Bill No. 105 was read first and second times by title.

Blake moved to amend the bill as follows:

Amend Article IV, Section 2, by striking therefrom the words, "who shall be tax-paying real estate holders and."

Batten moved an amendment to an amendment as follows:

Insert in lieu of the words "tax-paying real estate holders," the words "and whose names are enrolled on the tax list."

The amendment to the amendment was adopted.

Comly moved a call of the House.

A call was had. Absent, Malony.

On motion of Forbis a further call was dispensed with by the following vote:

Ayes—Armstrong, Baker, Batten, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, Mills, Settle, Wallace, Wright—17.

Noes—Allen, Blake, Comly, Cooper, O'Grady, Mr. Speaker—6.

Absent—Malony—1.

The amendment as amended was adopted by the following vote:

Ayes—Armstrong, Baker, Batten, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, Mills, Settle, Wallace, Wright—17.

Noes—Allen, Blake, Comly, Cooper, O'Grady, Mr. Speaker—6.

Absent—Malony—1.

On motion of Comly the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

The following report was received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that House Bills Nos. 55, 69, 71 and 80 and Council Bill No. 31 and Council Joint Resolution No. 2 were presented to the Governor on February 24, 1883, at 12:20 P. M.

BLAKE.

Batten moved that the rules be suspended and H. B. No. 105 be ordered engrossed.

Blake moved a call of the House.

A call was had. Absent, Comly, Hickman, Settle, Wright.

On motion of Batten a further call was dispensed with by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Jacobs, Kanouse, Malony, Mantle, Mills, Wallace—17.

Noes—McAdow, O'Grady, Mr. Speaker—3.

Absent—Comly, Hickman, Settle, Wright—4.

The motion of Batten prevailed by the following vote:

Ayes---Armstrong, Baker, Batten, Clutter, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, Wallace --14.

Noes-- Allen, Blake, Cooper, Dean, Erwin, O'Grady, Mr. Speaker ---7.

Absent---Comly, Settle, Wright---3.

H. B. No. 106 was read first and second times, and referred to the Committee on Grazing and Stock Growing.

H. J. R. No. 4 was read a third time, and passed by the following vote:

Ayes---Armstrong, Baker, Batten, Clutter, Comly, Edwards, Jacobs, Kanouse, Malony, McAdow, Mills, O'Grady, Settle, Mr. Speaker---14.

Noes---Blake, Cooper, Dean, Erwin, Forbis, Hickman, Mantle, Wallace-- 8.

Absent-- Allen, Wright---2.

Title agreed to.

The following communications were received:

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, M. T., February 23d, 1883.

To the House of Representatives:

GENTLEMEN: I have the honor to inform you that I have this day approved the following House Bills:

H. B. No. 55, "An Act to prohibit the sale of firearms and ammunition to minors."

H. B. No. 71, "An Act to enable the County of Dawson to erect a Court House and jail."

H. B. No. 80, "An Act to repeal an Act entitled an Act to authorize the Counties interested to assist in building a railroad from the head of navigation on the Missouri River, at or near Fort Benton, to the city of Helena," approved February 11th, 1876, and also to repeal an Act to "Facilitate the construction of the Helena and Fort Benton Railroad, approved February 16th, 1877."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT.
Helena, M. T., Feb. 23d, 1883.

To the Honorable House of Representatives:

GENTLEMEN: H. B. No. 69 is very respectfully returned without

my signature, for the reason that in my opinion the interests of the Territory and the tax-payers are not sufficiently guarded. In some of the older States it is not uncommon for deaf mute pupils to travel with or without escort, 50 miles or more daily, to attend school. I do not find in Chapter XIX, Fifth Division, General Laws of Montana, nor in the bill returned, which proposes an addition to that chapter, any positive evidence that a residence in the institutions for deaf mutes or blind children is required. The words "placed in" may perhaps express the intention of such residence, and may control. But this is not clear to my mind, and I fear that, when children live near such an institution, or when from increasing railroad facilities transportation to and from home to school becomes easy, a claim for daily travel and escort may be set up, unless the intention of the Legislature that residence in the Institute is expected be made more explicit.

I am, very respectfully,

JNO. SCHUYLER CROSBY,

Governor.

Comly moved to reconsider the vote by which H. B. No. 69 passed

On motion of Blake, the motion to reconsider was made a Special Order for 11 A. M. Monday.

On motion of Kanouse, H. B. No. 4 was taken up for consideration.

Comly presented the following:

I move to amend by striking out all after the enacting clause, and in inserting in lieu thereof the following:

Section 1. Every person having a water right or claim to the use of water heretofore diverted from any stream of water in this Territory shall have the right, in order to perpetuate the testimony concerning his water right, to record in the office of Recorder of Deeds of the County in which such water right or the use to such water exists, all of the facts or matters upon which he claims his water right, which shall be contained in an affidavit or affidavits of the claimant and his witnesses taken in pursuance of law concerning affidavits.

Sec. 2. Thereafter the facts set forth in any affidavit, as provided in Section 1, shall be notice to all that the facts and matters therein contained are true and shall be *prima facie* evidence of such facts and matters, and shall not in any action which may hereafter be commenced be impeached except by better evidence.

Sec. 3. Hereafter any one claiming any water right or claim to the use of water which he may acquire or claim after the passage of this Act, shall cause to be recorded his certificate or declaration under oath in the office of County Recorder of the County in which such

water right or claim to the use of water exists, specifically designating such right or claim, but this shall not give such person any rights by virtue thereof, save that such record shall be notice to all of such claim.

Comly moved a call of the House.

A call was had. Absent, Erwin, Settle, Wright.

Erwin and Wright appeared in their seats.

On motion of Cooper a further call was dispensed with.

The following report was received:

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that C. B. No. 2, H. B. No. 7, H. J. R. No. 7 and C. C. R. No. 2 have been examined, and are correctly enrolled, and the same are herewith presented to the Speaker of the House for his signature.

BLAKE.

On motion of Comly the House adjourned until 10 A. M. Monday.

DAVID MARKS,
Chief Clerk.

FIFTIETH DAY.

HOUSE OF REPRESENTATIVES.

Helena, M. T., February 26th, 1883.

House met pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the forty-eighth day read and approved.

The Speaker announced that he had signed C. B. No. 2 and H. J. R. No. 7 and H. B. No. 7.

The following reports were received:

Mr. Speaker:

Your Committee on Territorial Affairs, to whom was referred Council bill No. 6, "An Act to prevent woman-beating in the Territory of Montana," have considered the same, and are of opinion that the offense defined in said bill is sufficiently guarded against by laws already enacted. They are further of the opinion that the penalty proposed by the provisions of said bill is in the nature of an unusual punishment, though possibly not to the extent of conflicting with Art. VIII of amendments to the Constitution. Taking pride in the reputation of the American people for respect and courtesy to the gentler sex, we are wholly unprepared to admit the necessity of such an Act, and therefore recommend that it do not pass.

KANOUSE.

Chairman.

Mr. Speaker:

Your Committee on Printing have examined House bills Nos. 94 and 101, and find the same correctly printed.

DEAN.

Chairman Committee.

Mr. Speaker:

Your Committee on Mines and Minerals have considered the

amendment of the Council to House bill No. 28, "An Act to amend Section 1051 of the Fifth Division of the Revised Statutes of Montana," and believe the amendment destroys the object of the original bill, and therefore recommend that the House refuse to concur in the amendment of the Council.

O'GRADY,
Chairman.

Mr. Speaker :

Your Committee on Public Lands report House bill No. 84, "An Act fixing the salary of Clerk of the Supreme Court," and recommend its passage.

COMLY,
Chairman.

Mr. Speaker :

Your Committee on Grazing and Stock Growing, to whom was referred House bill No. 106, have examined same and beg to recommend that it do pass.

BAKER,
Chairman.

Mr. Speaker :

Your Committee on Public Lands report H. J. M. No. 7, and recommend that the same be considered in Committee of the Whole.

COMLY,
Chairman.

Council bill No. 6 and House bills Nos. 84 and 106 were placed on the General Orders for consideration of the Committee of the Whole.

House bill No. 94 was referred to the Committee on Judiciary.

House bill No. 101 was referred to the Committee on Grazing and Stock Growing.

On motion of Comly the House refused to concur in Council amendments to House bill No. 28, and respectfully ask the Council to recede.

The following reports were received :

Mr. Speaker :

Your Select Committee on Council bill No. 27, "An Act to enable the County of Meagher to furnish the Court House and complete the jail," have performed the duty assigned them, and a majority of said Committee herewith report list of questions agreed upon by the Committee, with the answers thereto, contained in a communication from the County Clerk of Meagher County, as their finding of "facts" in

relation to this bill. A majority of your Committee are of opinion that it is only the present situation which they should consider in connection with this bill, which is that Meagher County has a Court House without furniture, and a jail without cells. That under these circumstances the best interests of the County demand, and we recommend, that this bill do pass, with one amendment, to wit: Insert after word "necessary," line 7, Section 1, the words "in the discretion of the said Commissioners." Respectfully submitted,

KANOUSE,
DEAN,
COMLY.

Mr. Speaker :

A minority of your Special Committee on Council bill No. 27 beg leave to report that: At the Twelfth Legislative Assembly of the Territory a bill was passed by the Council authorizing the County Commissioners of Meagher County to issue bonds in the sum of twenty thousand dollars to enable them to erect a Court House and jail and provide the same with necessary and proper furniture. This bill was opposed by the member of the House of Representatives from Meagher County and many citizens thereof. The chief friends of the measure, who were residents of the town in which the buildings were to be constructed, having satisfied themselves that the bill could not become a law, made a compromise with its opponents. It was then agreed that the amount should be reduced to the sum of ten thousand dollars, and that the Court House, jail and furniture should be procured for this amount. With this distinct understanding, the Act, approved February 22, 1881, was placed upon the statute books of Montana.

The County Commissioners have issued bonds in the sum of ten thousand dollars, and a building, which is suitable for a Court House, has been erected. There is no jail, and no furniture has been bought under the Act, approved February 22, 1881. The County Commissioners wish to buy iron or steel cells, which can be put in a building, owned by the County, and near the Court House. They also desire to provide the Court House with furniture. It is estimated that the sum of five thousand dollars will be sufficient for these purposes.

There is no necessity for any action by this Legislative Assembly to enable the County Commissioners to obtain these cells and furniture. Under the provisions of Art. II, Chap. XVI, of the Fifth Division of the Revised Statutes of Montana, the power of these officers is defined, and their authority to purchase desks, chairs, stoves, cells, and personal property, referred to in Council bill No. 27, is unquestioned. While subsequent events caused the expenditure of a greater sum in the erection of the Court House than the Act approved February 22, 1881, contemplated, no further legislation is required at this time respecting the jail and furniture. For these reasons, it is very respectfully recommended that the bill do not pass.

BLAKE.

On motion of Blake the amendments reported by a majority of the Committee were adopted.

On motion of Kanouse the majority report was adopted.

On motion of Dean the following amendment to the bill was adopted:

Strike out Section 10 and insert in lieu thereof: "Sec. 10. Nothing in this Act shall be construed to be mandatory upon said Board of County Commissioners."

DEAN.

On motion of Kanouse the amendment to the bill was ordered engrossed.

On motion of Allen H. J. M. No. 7 was ordered engrossed.

Bills were introduced as follows:

By Armstrong—House bill No. 107, a bill for "An Act authorizing certain assessments to be made in Deer Lodge County."

By Settle—House bill No. 108, "A bill for an Act authorizing the Counties of Lewis and Clarke and Choteau to build a railroad from the head of navigation at Fort Benton to Helena City."

Comly, by consent, withdrew his motion, made on the 21st inst., to reconsider House bill No. 75.

On motion of Allen, Council bill No. 30 was taken from the General Orders and made a Special Order for 11:30 to-day.

On motion of McAdow, House bill No. 25 was taken from the table and made a Special Order for 2:30 on Tuesday, the 27th inst., by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Comly, Jacobs, Kanouse, Malony, McAdow, Mills, O'Grady, Settle, Mr. Speaker—13.

Noes—Blake, Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Mantle, Wallace, Wright—11.

Notice was given as follows:

Mr. Speaker :

I will on to-morrow, or on some future day, introduce a bill for the division of Gallatin County, and creating the County of "Park."

EDWARDS.

On motion of Kanouse House bill No. 4 was taken up.

The amendment offered to the bill by Comly, on the 24th inst., was lost by the following vote:

Ayes—Allen, Armstrong, Clutter, Comly, Jacobs, Malony, McAdow, O'Grady, Mr. Speaker—9.

Noes—Baker, Batten, Blake, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Mantle, Mills, Settle, Wallace, Wright—15.

On motion of Kanouse House bill No. 4 was ordered engrossed.

The hour having arrived for which the reconsideration of House bill No. 69 was made a Special Order, the motion for reconsideration was carried.

The question being put, "Shall this bill pass, the objections of the Governor to the contrary notwithstanding," the bill passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, Mills, Settle, Wallace, Wright, Mr. Speaker—22.

Noes—McAdow, O'Grady—2.

The following communication was received:

COUNCIL CHAMBER,

Helena, M. T., February 24, 1883.

Mr. Speaker:

I have the honor to inform you that Thomas introduced C. B. No. 42, "An Act to repeal Section 942 of the Fifth Division of the Revised Statutes."

That the Council has concurred in House amendments to C. C. R. No. 2 and C. B. No. 10.

That Council substitute for H. B. No. 54 has passed, and is herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

The Speaker announced that he had signed Council bills Nos. 9 and 10, and Council Joint Resolutions Nos. 5 and 6.

On motion of Wallace the House took a recess until 2 p. m.

2 p. m.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Council bill No. 30 was taken up.

On motion of Forbis the following amendment to the substitute was adopted :

Amend substitute by striking out all before Section one (1) and insert in lieu of title and enacting clause the following :

"Amend the original bill by striking out all after enacting clause and inserting the following in lieu thereof."

Allen moved a call of the House.

A call was had. Absent, Clutter, Erwin.

On motion of Allen a further call was dispensed with.

The amendment offered to Council bill No. 30 was adopted by the following vote :

Ayes—Allen, Blake, Comly, Cooper, Edwards, Forbis, Hickman, Jacobs, Kanouse, Mantle, Settle, Wallace, Wright, Mr. Speaker--14.

Noes---Armstrong, Baker, Batten, Dean, Malony, McAdow, Mills, O'Grady--8.

Absent---Clutter, Erwin--2.

On motion of Allen the bill was amended by inserting in the bill where the blank occurs the words "tenth day of July, A. D., 1883."

The amendments, on motion of Allen, were ordered engrossed.

The following reports were received :

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that C. B's. Nos. 9 and 10 and C. C. R. Nos. 5 and 6 have been correctly enrolled, and are herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker :

Your Committee on Engrossment, to whom was referred substitute for House bill No. 4, "A bill relative to water rights," also Council bill No. 27, "An Act to enable the County of Meagher to furnish the Court House and complete the jail," also House bill No. 81, "A bill for an Act to prevent the carrying of deadly weapons," beg leave to report that they have examined the same, and find them correctly engrossed.

MANTLE.

Chairman.

By unanimous consent Forbis offered the following amendment, which was adopted, to House bill No. 81 :

Amend by striking out Section 1 and inserting the following in lieu thereof:

Section 1. It shall be unlawful for any person within the limits of any city, town, or village in this Territory to own, concealed upon his person, any dirk, dagger, pistol, revolver, or other deadly weapon.

FORBIS.

House bill No. 81 was recommitted to the Committee on Engrossment.

The Clerk was instructed to return House bill No. 54 to the Council with a request that instead of their sending a substitute to the bill that it be offered as an amendment by them.

House bill No. 107 was read first and second times, and, on motion of Armstrong, was referred to a Special Committee, consisting of Armstrong, Forbis and Blake.

House bill No. 108 was read first and second times, and, on motion of Blake, the bill was indefinitely postponed by the following vote:

Ayes—Batten, Blake, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Malony, Mantle, O'Grady, Wright—12.

Noes—Armstrong, Baker, Comly, Cooper, Jacobs, McAdow, Mills, Settle, Wallace, Mr. Speaker—10.

House bill No. 104 was read a third time.

O'Grady moved a call of the House.

A call was had. Absent, Allen, Clutter.

On motion of Forbis a further call was dispensed with.

H. B. No. 104 passed by the following vote:

Ayes—Armstrong, Blake, Cooper, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, Wallace, Mr. Speaker—13.

Noes—Baker, Batten, Comly, Dean, McAdow, Mills, O'Grady, Settle, Wright—9.

Absent—Allen, Clutter—2.

Title agreed to.

H. J. R. No. 5 was read a third time, and passed by the following vote:

Ayes—Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean,

Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright—20.

Noes—Mr. Speaker—1.

Absent—Allen, Clutter, Erwin—3.

Title agreed to.

H. B. No. 88 was read a third time, and passed by the following vote:

Ayes—Armstrong, Baker, Batten, Blake, Comly, Cooper, Edwards, Forbis, Hickman, Jacobs, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—19.

Noes—Dean, Kanouse—2.

Absent—Allen, Clutter, Erwin—3.

Title agreed to.

Substitute H. B. No. 24 was read a third time, and passed by the following vote:

Ayes—Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—None.

Absent—Allen, Clutter, Erwin—3.

H. B. No. 74 was read a third time, and passed by the following vote:

Ayes—Armstrong, Baker, Batten, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—Blake—1.

Absent—Allen, Clutter—2.

Title agreed to.

House bill No. 49 was read a third time.

On motion of Comly the rules were suspended, and the bill was recommitted to the Committee on Public Lands by the following vote:

Ayes—Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Hickman, Jacobs, Kanouse, McAdow, Mills, O'Grady, Settle, Wright, Mr. Speaker—16.

Noes—Armstrong, Forbis, Malony, Mantle, Wallace—5.

Absent—Allen, Clutter, Erwin—3.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment, to whom was referred House bill No. 81, "A bill for an Act to prevent the carrying of deadly

weapons," beg leave to report that they have examined the same, and find the same correctly engrossed.

MANTLE,
Chairman.

H. J. R. No. 9 was read a third time, and passed by the following vote:

Ayes—Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker—20.

Noes—None.

Absent—Allen, Clutter, Erwin, Settle—4.

Title agreed to.

On motion of Blake the rules were suspended, H. B. No. 48 was read a third time by title, and passed by the following vote:

Ayes—Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker—20.

Noes—None.

Absent—Allen, Clutter, Erwin, Settle—4.

Title agreed to.

H. B. No. 81 was read a third time, and passed by the following vote:

Ayes—Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker—19.

Noes—Malony—1.

Absent—Allen, Clutter, Erwin, Settle—4.

Title agreed to.

C. B. No. 27 was read a third time, and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Dean, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—18.

Noes—Blake, Cooper—2.

Absent—Clutter, Comly, Edwards, Erwin—4.

Title agreed to.

C. B. No. 13 was read a third time, and passed by the following vote:

Ayes—Allen, Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Forbis, Hickman, Jacobs, Malony, Mantle, Mills, Settle, Wallace, Mr. Speaker—17.

Noes—McAdow, O'Grady—2.

Absent—Clutter, Edwards, Erwin, Kanouse, Wright--5.
Title agreed to.

Mills moved to adjourn. Motion lost.

On motion of Mantle the rules were suspended, C. J. R. No. 2 was read a third time by title, and passed by the following vote:

Ayes---Allen, Armstrong, Baker, Batten, Blake, Comly, Cooper, Dean, Forbis, Hickman, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker --20.

Noes---Jacobs--1.

Absent—Clutter, Edwards, Erwin--3.
Title agreed to.

On motion of McAdow the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

FIFTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 27th. 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of fiftieth day read and approved.

On motion of O'Grady leave of absence was granted to Armstrong on account of sickness.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., February 26, 1883.

Mr. Speaker:

I have the honor to inform you that, by unanimous consent, without previous notice, bills have been introduced as follows:

By Chessman, C. B. Number 43, "An Act to incorporate the Helena Classical School."

By Committee of Ways and Means, C. B. Number 44, "A bill for an Act to provide for the payment of board of Territorial convicts in County jails."

By Mitchell, Council bill No. 46, "A bill for an Act to amend the code of Civil Procedure of the Territory of Montana." Also,

Council bill No. 47, "A bill for an Act relative to the procuring of licenses by persons who keep roller skating rinks."

That Stuart, by unanimous consent, without previous notice, introduced C. J. M. No. 7, "For increase of rates for public surveying."

That Hamilton introduced C. B. No. 45, "An Act to incorporate the city of Fort Benton."

That the following, to-wit: C. B. No. 43, C. B. No. 44, H. B. No. 77 and C. B. No. 12, have passed the Council and are herewith transmitted. I am also instructed to transmit the enclosed copy of a communication received from Lucretia R. Garfield.

JAMES B. WELLS,
Chief Clerk.

The following accompanying communication was read:

[Copy.]

Cleveland, Ohio, February 17, 1883.

DEAR SIR:

Pray accept my thanks for the copy of Resolutions forwarded by you from the Legislature of the Territory of Montana; also, do I ask that my gratitude be expressed to the members of the Council for the tribute of love and respect paid to the memory of General Garfield.

Very truly yours,

LUCRECIA R. GARFIELD.

Mr. James B. Wells, Helena, Montana.

H. B. No. 77 was ordered enrolled.

The following communications were received:

*Territory of Montana, Executive Office,
Helena, Montana, Feb. 23, 1883.*

To the Council and House of Representatives:

GENTLEMEN: Since my first message circumstances of such gravity have arisen as to require, in my opinion, your special consideration.

On the 22d of this month complaints were made to me of official corruption and neglect of duty on the part of the Board of County Commissioners of the County of Custer. It was represented to me that one (or two) of the members of the Board were not residents of Montana, that the plainest duties were neglected, and I was solicited by a large body of citizens to remove the delinquents in order to protect the County from inexcusable extravagance and even shameless plunder. The evidence, as presented to me by the deputy sheriff of the County, is hereby submitted. On this appeal so strongly fortified

by respectable names as to excite my grave solicitude for the taxpayers and our good name as a Territory.

I consulted the Attorney General as to the power of the Executive to remove County officers for gross malfeasance, and was advised by him, in the letter herewith submitted, that no such authority is vested in the Executive by the laws of this Territory.

Inasmuch as it is made the duty of the Executive to see that the laws are obeyed, the necessity of some correlative power seems to require no proving.

As I well know that your desire that all officials should do their duty is not surpassed by my own, I believe you will not be willing to adjourn your session without providing some remedy for gross malfeasance or neglect by County officers. The power of suspension or removal for just cause should be lodged where it can be effectively, promptly and honestly used for the public welfare, independently of personal, sectional or political considerations. I very respectfully leave the matter in your hands, but ask, with no small solicitude, for immediate action to supply what I think is an unusual omission in State or Territorial legislation.

I am, very respectfully, your obd't servant,

JNO. SCHUYLER CROSBY,

Governor.

Territory of Montana, Executive Office,

Helena, Montana, Feb. 26, 1883.

To the House of Representatives:

Gentlemen: I beg herewith to enclose for your information and action the accompanying duplicate copy of a message addressed to the Council and House of Representatives, which was duly delivered to the Council on Saturday the 24th inst., at 2:15 P. M.

The Resolution introduced in the Council asking "that the message and documents be referred to the House and the matter investigated" having been lost by a strict party vote, I consider it only necessary courtesy to your honorable body to apprise you, as the co-ordinate branch of the Territorial Legislature.

I am, yours respectfully,

JNO. SCHUYLER CROSBY,

Governor.

On motion of McAdow the communications of the Governor, with accompanying documents, were referred to a Special Committee consisting of McAdow, Erwin and Comly.

The following report was received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that House bill Number 7, Council bills Numbers 2, 9 and 10, C. J. R. Nos.

5 and 6, and H. J. R. No. 7, were presented to the Governor for his approval on February 26, 1883, at 5:10 P. M.

BLAKE.

A petition from citizens of Fort Benton, "asking the passage of an Act prohibiting the sale of intoxicating liquors, including beer, in houses of prostitution," was read, and on motion of McAdow was referred to the members of Choteau County.

Petitions and telegrams from citizens of Gallatin, "asking the creation of the County of Park," was received, was read, and on motion of Edwards referred to the Committee on Towns and Counties.

The following reports were received :

Mr. Speaker :

Your Committee on Engrossment, to whom were referred H. B. 105, "An Act to incorporate the town of Missoula," beg leave to report that they have examined the same and find it correctly engrossed.

MANTLE,
Chairman.

Mr. Speaker :

A majority of your Committee on Public Lands report H. B. No. 49, "An Act for the better protection of Live Stock in the Territory of Montana," and recommend that the bill pass with the following amendments: 1. Strike out the words "one-third of," in the line corresponding to the first line of Section 5 of the printed bill. 2. Insert after the word "taxable," in the line corresponding to line 2, of Section 5 of the printed bill the words "live stock."

COMLY,
BLAKE,
KANOUSE.

Mr. Speaker :

A minority of the Committee on Public Lands do not favor the amendment proposed by a majority of the Committee to H. B. No. 49, a bill to protect the cattle interest.

It is our belief that any interest in this Territory which pays so high a percentage of profits upon the amount invested as does the stock interest, requires no protection at the hands of the people, but is well able to bear the burdens, which are so obviously private in their nature, from its own profits.

The amendment proposed provides for the protection of the stock growing interests at the expense of other stock interests, not involved, and which will receive no benefit from the taxation imposed. Rather than overburden this interest we would prefer that the bill should provide for the taxation of all property and thus distribute a needless burden in a manner that it may be least felt and best borne.

EDWARDS,
FORBIS.

Comly moved to adopt the amendments reported by the majority of the Committee. Motion lost by the following vote:

Ayes—Baker, Blake, Comly, Cooper, Erwin, Hickman, Kanouse, Malony, McAdow, O'Grady, Wright—11.

Noes—Allen, Batten, Clutter, Dean Edwards, Forbis, Jacobs, Mantle, Mills, Settle, Wallace, Mr. Speaker—12.

Absent—Armstrong—1.

On motion of Comly the rules were suspended, the bill read a third time by title and passed by the following vote:

Ayes—Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Jacobs, Kanouse, McAdow, Mills, O'Grady, Settle, Wright—14.

Noes—Allen, Edwards, Erwin, Forbis, Hickman, Malony, Mantle, Wallace, Mr. Speaker—9.

Absent—Armstrong—1.

Mantle moved the following amendment:

Amend title to read as follows: "An Act to create the office of Head Gamekeeper, Chief Fire Warden and Boss Cow-Boy in the Territory of Montana, in the interest of, and for the sole use and benefit of the impoverished cattle owners of said Territory.

The motion to amend was lost.

On motion of Kanouse the title was amended by striking out the words "better" and "in the Territory of Montana."

On motion of Comly the House took a recess until 2 p. m.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Armstrong.

The following communication was received:

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, M. T., February 26th, 1883.

To the House of Representatives:

GENTLEMEN: I have the honor to inform you that I have this day approved House Bill No. 7, entitled "An Act to create the County of Yellowstone, and for the election of officers thereof," also.

“ House Joint Resolution No. 7, making appropriations for the Denver Exposition.”

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY.

Governor.

The following reports were received :

Mr. Speaker :

Your Joint Committee on enrollment beg leave to report that C. B's Nos. 15 and 33, and H. B. No. 77 have been correctly enrolled and are herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker :

Your Committee on Grazing and Stockgrowing, to whom was referred House bill No. 101, have examined same, and are unanimously of the opinion that it will be detrimental to the interests it is intended to promote, and therefore beg to recommend that it do not pass.

BAKER,

Chairman.

Mr. Speaker :

Your Committee on Roads and Highways, to whom was referred H. B. No. 85, beg leave to return the same and recommend that the bill be amended by striking out all after the word “ defendants ” in 41st line, printed copy, and as so amended it do pass.

MILLS.

Mr. Speaker :

A minority of your Committee of Ways and Means, to whom was referred C. B. No. 35, have to report that while it is yet uncertain as to what disposition may be made of H. B. No. 34, which relates to the payment of a bounty for the scalps of certain animals, are unable to make any intelligent recommendation in relation to this bill, deeming that if H. B. No. 34 shall become a law, that the Territory will need all the revenue which can be derived from the operations of the law, as it is at present, while in the event of a failure of H. B. No. 34 to become a law we are of the opinion that it would be well to pass the bill.

EDWARDS.

Mr. Speaker :

A majority of your Committee on Ways and Means, to whom was referred C. B. No. 35, have had the same under consideration and respectfully report it back with recommendation that it do pass.

SETTLE,
MILLS,
JACOBS,
MANTLE.

Mr. Speaker :

Your Committee on Ways and Means, to whom was referred H. J. R. No. 6, have had the same under consideration and report it back with the recommendation that it do not pass.

SETTLE,
Chairman.

Mr. Speaker :

Your Committee on the Judiciary herewith report H. B. No. 72, with accompanying amendment, and recommend that as so amended said bill do pass.

FORBIS.

Mr. Speaker :

Your Committee on Printing have examined H. B. No. 91 and 95, and find the same correctly printed.

DEAN, Chairman Committee.

House bills Nos. 101 and 85 were placed upon the General Orders for the consideration of the Committee of the Whole.

On motion of Blake the rules were suspended and Council bill No. 35 was placed on file for a third reading.

H. J. R. No. 6 was placed on the General Orders for the consideration of the Committee of the Whole.

On motion of Jacobs the amendments reported by the Committee on Judiciary to H. B. No. 72 were adopted and the bill was ordered engrossed.

The Speaker announced that he had signed Council bill No. 15, and House bill No. 77.

H. B. No. 95 was referred to the Committee on Judiciary.

H. B. No. 91 was referred to the Committee on Ways and Means.

The following report was received:

Mr. Speaker :

Your Special Committee, to whom was referred House Joint Resolution No. 8, "To provide for the care of Orphans," beg leave to report that we have visited the said St. Ambrose Orphan Asylum, and we find from personal observation and statements hereto annexed the following facts:

1st. That said institution was established on April 4th, 1881, for the reception of orphans and helpless children, without regard to religion or creed.

2nd. That since it was established there has been admitted twenty-five children, of which twelve have been provided with homes by friends. One has died in said institution, and there are at present twelve children being cared for in said asylum—nine boys and three girls.

3rd. These children bear evidence (by their personal appearance) of good care, being neat, clean and comfortably dressed.

4th. The apartments occupied by said children are comfortable and well ventilated, with good beds, and everything about the institution appears to be in the neatest possible order.

5th. That said institution estimates the cost of supporting these children at from \$3 to \$3.25 per capita, per week, which at the maximum for the period stated would amount to the sum of \$2,262.00.

6th. The report to your Committee shows that they have received the following amount from the following sources:

From Parents of said children,	- - -	\$354.70
From private donations,	- - -	172.75
From proceeds of two concerts,	- - -	301.50
Total amount from all sources,		\$828.95

7th. That after deducting all receipts from estimated cost of keeping said children, the institution finds itself out the sum of \$1,433.05.

8th. None of these children are full orphans, as all of them have one living parent.

9th. That from nine of said children the institution receives some support from parents or friends, but from three of said children they derive no help whatever.

10th. That the children being cared for in said institution came from the following Counties:

From Lewis and Clarke County,	- - -	2 children.
From Meagher County,	- - -	3 children.
From Silver Bow County,	- - -	7 children.
Total number,		12

All of which is most respectfully submitted.

HICKMAN.
FORBIS.
O'GRADY.

On motion of Hickman the report and Resolution were placed on the General Orders and the Committee discharged.

Notices of the introduction of bills were given as follows:

By Blake—a bill for “An Act to provide for the establishment of Free Public Libraries.”

By Mantle—"A bill to remove the seat of government of the Territory of Montana to either Bozeman or Butte City."

Bills were introduced as follows:

By Hickman, H. B. No. 109, "An Act to amend an Act entitled an Act to regulate the fees of Sheriffs for board of prisoners."

By Edwards, H. B. No. 110, "A bill for an Act to create the new County of Park."

By Blake, H. B. No. 111, "An Act to provide for the establishment of Free Public Libraries."

On motion of Settle House bill No. 96 was taken from the General Orders and made a Special Order for 3:30 to-day.

On motion of Settle H. B. No. 89 was taken from the General Orders and made a Special Order for 4:30 to-day.

On motion of Batten House bill No. 52 was made a Special Order for 10:30 to-morrow.

Allen moved to call from the Committee on Engrossment H. J. M. No. 7. Motion lost by the following vote:

Ayes—Allen, Baker, Batten, Clutter, Comly, Dean, Jacobs, McAdow, Mills, O'Grady, Settle—11.

Noes—Blake, Cooper, Edwards, Forbis, Hickman, Kanouse, Mantle, Wallace, Wright, Mr. Speaker—10.

The hour having arrived for which House bill No. 25 was made a Special Order, the bill was taken up.

Kanouse moved to adopt all the amendments reported by the majority of the Committee on Territorial Affairs, with the exception of Section 3.

Mantle moved a call of the House.

A call was had. Absent, Erwin.

On motion of Kanouse a further call was dispensed with.

C. B. No. 12, "An Act in relation to Liens," was read first time. Comly objected to the bill. The objection was not sustained by the House. The bill was read a second time and referred to the Committee on the Judiciary.

Settle moved a call of the House.

A call was had ; all present.

The motion of Kanouse relative to amendments to house bill No. 25, was carried by the following vote :

Ayes—Allen, Baker, Batten, Comly, Forbis, Jacobs, Kanouse, Malony, McAdow, Mills, O'Grady, Settle, Mr. Speaker—13.

Noes—Blake, Clutter, Cooper, Dean, Edwards, Erwin, Hickman, Mantle, Wallace, Wright—10.

Absent—Armstrong—1.

On motion of Comly the bill was ordered engrossed by the following vote :

Ayes—Allen, Baker, Batten, Comly, Jacobs, Kanouse, Malony, McAdow, Mills, O'Grady, Settle, Wright, Mr. Speaker—13.

Noes—Blake, Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Mantle, Wallace—10.

Absent—Armstrong, 1.

The hour having arrived for which House bill No. 96 was made a Special Order, the bill was taken up.

On motion of Settle the rules were suspended, the bill considered engrossed, placed on its final passage and passed by the following vote :

Ayes—Allen, Baker, Blake, Comly, Dean, Edwards, Forbis, Jacobs, Kanouse, McAdow, Settle, Wallace, Wright, Mr. Speaker—14.

Noes—Cooper, Mantle, O'Grady—3.

Absent—Armstrong, Batten, Clutter, Erwin, Hickman, Malony, Mills—7.

Title agreed to.

Blake moved to reconsider the vote by which the bill passed.

Settle moved to lay the motion to reconsider on the table.

Comly moved a call of the House.

A call was had ; absent, Erwin, Malony.

On motion of Hickman a further call was dispensed with.

The motion to lay the motion to reconsider on the table prevailed.

Comly moved to adjourn ; motion lost.

On motion of Hickman leave of absence for the balance of the day was granted to Erwin.

On motion of Edwards H. B. No. 4 was taken up and placed on on its final passage.

On motion of Kanouse the rules were suspended, and the bill was read a third time by title and passed by the following vote:

Ayes---Baker, Batten, Blake, Clutter, Comly, Dean, Edwards, Forbis, Jacobs, Kanouse, Mantle, Mills, Settle, Wright -14.

Noes---Allen, Cooper, Hickman, McAdow, O'Grady, Wallace, Mr. Speaker---7.

Absent---Armstrong, Malony, Erwin---3.

Title agreed to.

Comly gave notice that he would, on to-morrow, move a reconsideration of the vote by which the bill passed.

Forbis moved to reconsider the vote by which the bill passed, and then moved to lay that motion on the table.

Comly moved a call of the House.

A call was had; absent, Malony.

On motion of Blake a further call was dispensed with.

The Speaker announced that he had signed Council bill No. 33.

McAdow moved to adjourn; motion lost.

The motion of Forbis to lay the motion to reconsider the vote on House bill No. 4 on the table prevailed.

Allen moved to take a recess until 7 p. m. Motion lost.

The hour having arrived for which House bill No. 89 was made a Special Order, the bill was taken up for consideration.

On motion of Settle the rules were suspended, the bill read a third time by title and lost by the following vote:

Ayes---Allen, Batten, Comly, Dean, Kanouse, Malony, Mills---7.

Noes---Blake, Clutter, Cooper, Edwards, Forbis, Hickman, Jacobs, Mantle, McAdow, O'Grady, Settle, Wallace, Wright, Mr. Speaker---14.

Absent-- Armstrong, Baker, Erwin, 3.

Batten moved to suspend the rules and take up House bill No. 105. Motion lost.

O'Grady moved to adjourn; motion lost.

Council bill No. 44, "A bill to provide for the payment of board of Territorial convicts in County jails," was read first and second times and referred to the Committee on Ways and Means.

Council bill No. 43, "An Act to incorporate the Helena Classical School," was read first and second times and referred to a Select Committee consisting of members residing in Helena.

Settle moved to adjourn; motion lost.

H. B. No. 109 was read first and second times, and referred to the Committee on Ways and Means.

House bill No. 110 was read first and second times and referred to the Committee on Towns and Counties.

House bill No. 111 was read first and second times and referred to the Committee on Education and Labor.

Mills moved to adjourn; motion lost.

Batten moved to suspend the rules and read House bill No. 105 a third time by title.

Comly moved to postpone the consideration of the bill until Friday. Motion lost by the following vote:

Ayes—Blake, Comly, Mantle, Wallace, Mr. Speaker—5.

Noes—Allen, Baker, Batten, Clutter, Cooper, Dean, Forbis, Hickman, Kanouse, Malony, McAdow, Mills, O'Grady, Settle, Wright, Edwards—16.

Absent—Armstrong, Erwin, Jacobs—3.

The motion of Batten to suspend the rules prevailed. The bill was read a third time by title and passed by the following vote:

Ayes—Baker, Batten, Clutter, Dean, Edwards, Forbis, Kanouse, Malony, McAdow, Mills, O'Grady, Settle, Wallace, Wright.—14.

Noes—Allen, Blake, Comly, Cooper, Hickman, Mantle, Mr. Speaker—7.

Absent—Armstrong, Erwin, Jacobs—3.

Title agreed to.

Mills moved to adjourn; motion lost by the following vote:

Ayes—Clutter, Edwards, Hickman, Malony, Mills, Settle, Wallace, Wright—8.

Noes—Allen, Baker, Batten, Blake, Comly, Cooper, Dean, Forbis, Kanouse, Mantle, McAdow, O'Grady, Mr. Speaker—13.

Absent—Armstrong, Erwin, Jacobs—3.

On motion of Mantle the rules were suspended, C. B. No. 38 was read a third time by title and passed by the following vote:

Ayes—Baker, Batten, Clutter, Comly, Dean, Forbis, Kanouse, Mantle, McAdow, O'Grady, Settle, Mr. Speaker—12.

Noes—Allen, Blake, Cooper—3.

Absent—Armstrong, Edwards, Erwin, Hickman, Jacobs, Malony, Mills, Wallace, Wright—9.

Title agreed to.

On motion of Comly the House adjourned until 10 A. M. tomorrow.

DAVID MARKS,
Chief Clerk.

FIFTY-SECOND DAY.

HOUSE OF REPRESENTATIVES.
Helena, M. T., Feb. 28th. 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the Chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of fifty-first day read and approved.

On motion of O'Grady leave of absence until Saturday was granted to Armstrong on account of sickness.

On motion of Mills leave of absence for the day was granted to Erwin on account of sickness.

The following was received:

HELENA, Montana, February 28th. 1883.

To the Honorable, the House of Representatives, Montana Territory:

GENTLEMEN: The Trustees and Principal of the Helena Graded Schools extend to you a most cordial invitation to the Literary and

Musical exercises, to be given by the pupils, in the Assembly Room of the School Building, on Friday, March 2d, at 1:45 p. m.

Very respectfully, your obedient servant,

R. H. HOVEY,
Principal.

C. B. No. 35 was read a third time, and passed by the following vote:

Ayes—Allen, Baker, Batten, Blake, Clutter, Comly, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—None.

Absent—Armstrong, Cooper, Erwin—3.

Title agreed to.

C. B. No. 7 was read a third time, and passed by the following vote:

Ayes—Allen, Baker, Batten, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, O'Grady, Settle, Wallace, Wright, Mr. Speaker—17.

Noes—Blake—1.

Absent—Armstrong, Clutter, Comly, Cooper, Erwin, Mills—6.

Title agreed to.

The hour having arrived for which House bill No. 52 was made a Special Order, the House resolved itself into a Committee of the Whole for its consideration.

Mantle in the chair.

House resumed

Mr. Speaker in the chair.

The following communications were received:

TERRITORY OF MONTANA, EXECUTIVE OFFICE.
Helena, M. T., Feb. 27th, 1883.

To the House of Representatives:

GENTLEMEN: I have the honor to inform you that I have this day approved H. B. No. 77, entitled "An Act to amend Sections 389 and 390 of the Criminal Practice Act."

Very respectfully,

JNO. SCHUYLER CROSBY,
Governor.

COUNCIL CHAMBER.
Helena, M. T., February 27, 1883.

Mr. Speaker:

I am instructed by the Council to inform your honorable body

that Mitchell, by unanimous consent, without previous notice, introduced Council bill No. 48, "An Act to require Sheriffs to keep a General Docket." Also, Council bill No. 49, "A bill for an Act to amend an Act entitled an Act to prescribe the fees of jurors and witnesses in the Probate and Justices' Courts, of the General Laws of Montana."

That House amendments to Council bill No. 27 have been concurred in.

That Council refuses to recede from its amendment to substitute for House bill No. 28, and respectfully asks the House to concur in the amendment.

That House bill No. 69 has repassed the Council by a vote exceeding two-thirds of its members, the question upon its passage being, "Shall this bill pass, the objections of the Governor to the contrary notwithstanding," and said bill is herewith transmitted.

That the following, to wit: C. B. No. 47, H. B. No. 63, being indefinitely postponed, C. B. No. 48, H. B. No. 54 as amended, title amended, H. J. R. No. 5, H. J. R. No. 4, substitute for H. B. No. 20, substitute for H. B. No. 58 and H. B. No. 87 have passed the Council, and are herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

H. J. R's. Nos. 4 and 5 and H. B's. Nos. 20, 58 and 87 were ordered enrolled.

On motion of Hickman the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Armstrong, Erwin.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Blake in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

Your Select Committee, to whom was referred the petitions and affidavits of citizens from Custer County, have had the same under consideration, and would respectfully report the same back to the House, recommending that action be taken immediately upon the accompanying bill:

"An Act concerning the County Commissioners of Custer County."

McADOW,
Chairman.

McAdow, by unanimous consent, introduced House bill No. 112, "A bill for an Act concerning the County Commissioners of Custer County."

On motion of Kanouse the rules were suspended, and the bill read first and second times.

On motion of Hickman, the bill was referred to a Special Committee, consisting of Forbis, Blake, Comly and McAdow, with instructions to report a substitute.

The following reports were received :

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that H. B. No. 77 and C. B. No. 15 were presented to the Governor for his approval on February 27, 1883, at 5 p. m.

BLAKE.

Mr. Speaker :

Your Committee on Judiciary herewith reports House bill No. 45, with accompanying amendment, and as amended recommend that said bill do pass.

FORBIS.

Mr. Speaker :

Your Committee on Printing have examined House bills Nos. 98, 99 and 103, and find the same correctly printed.

DEAN.

Chairman Committee.

On motion of Comly, the amendments reported by the Judiciary Committee to House bill No. 45 were adopted, and the bill was ordered engrossed.

House bill No. 103 was referred to the Committee on Internal Improvements.

House bill No. 99 was referred to the Committee on Ways and Means.

House bill No. 98 was referred to the Committee on Judiciary.

Settle moved to reconsider the vote by which House bill No. 89 was lost.

Forbis moved to indefinitely postpone that motion, which was lost by the following vote:

Ayes—Blake, Forbis, Hickman, Mr. Speaker—4.

Noes—Allen, Baker, Clutter, Comly, Edwards, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wright—14.

Absent—Armstrong, Batten, Cooper, Dean, Erwin, Wallace—6.

On motion of Comly the bill was made a Special Order for 11 A. M. to-morrow.

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment, to whom was referred substitute for House bill No. 25, "An Act in relation to printing," also H. J. M. No. 7, "Asking the Congress of the United States for the passage of an Act to enable persons to perfect their title who have settled upon land in the Territory of Montana embraced within the grant of land to the Northern Pacific Railroad Company, made valuable improvements thereon, so embraced and designated in the resolution of said Company, bearing date November 19th, 1879," also House bill No. 72, "An Act to secure manufacturers and owners of railroad equipment and rolling stock in making conditional sales and contracts for the lease thereof," also Council bill No. 30, "An Act to enable the citizens of Jefferson County to vote on the proposition of changing the County seat," together with the substitute for same, beg leave to report that they have examined the same, and find them correctly engrossed.

MANTLE,
Chairman.

Mr. Speaker:

Your Committee of the Whole House, to whom were referred House bills Nos. 86, 85 and 70, and Council bill No. 19, have considered the same and directed me to report the bills back to the House, with the accompanying amendments, and recommend that as so amended the bills do pass.

BLAKE.

On motion of Blake the amendments offered by the Committee of the Whole were rejected.

On motion of Forbis the bill was amended by inserting the words "four hundred" where the blank occurs. The bill was ordered engrossed.

On motion, the amendments reported by the Committee of the Whole to House bills Nos 70 and 85, and Council bill No. 19, were adopted, and the bills were ordered engrossed.

On motion of Hickman the House adjourned until 10 A. M. tomorrow.

DAVID MARKS,
Chief Clerk.

FIFTY-THIRD DAY,

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 1st, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Armstrong.

Journal of fifty-second day read and approved.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., Feb. 28, 1883.

Mr. Speaker:

I am instructed by the Council to instruct your honorable body that the following bills have been introduced by unanimous consent without previous notice:

By Gillette—Council bill No. 50, "An Act to change the name of Johannes Gustaffson to John G. Hulten."

By Stuart—Council bill No. 51, "A bill for an Act to protect game, fur-bearing animals and fish."

That Council has concurred in the amendments offered by the House to Council bill No. 13.

That the Governor returned to this body Council bill No. 9 with his objections thereto, and upon the question being put, "Shall this bill pass, the objections of the Governor notwithstanding?" the Governor's veto was sustained, the bill not receiving an affirmative two-thirds vote.

That the following, to wit: H. J. R. No. 2, H. B. No. 63 and H. B. No. 40 were lost, and are transmitted. That C. B. No. 42 was also lost. That the following, to wit: H. B. No. 56, H. B. No. 100, C. B. No. 29, H. B. No. 43, C. B. No. 50, H. B. No. 8, as amended, H. B. No. 47, as amended in bill and title, have passed and are transmitted.

JAMES B. WELLS,
Chief Clerk.

The following reports were received:

Mr. Speaker:

Your Committee on Mines and Minerals, to whom was referred Council bill No. 20, "An Act to change the name of Johannes Gus-

taffson to John G. Hulten," respectfully report the same back to the House, and recommend that it do pass.

O'GRADY,
Chairman.

Mr. Speaker :

Your Committee on Ways and Means, to whom was referred Council bill No. 28, have had the same under consideration, and respectfully report it back with recommendation that it do pass.

SETTLE,
Chairman.

Mr. Speaker :

Your Committee on Ways and Means, to whom was referred House bill No. 109, have had the same under consideration, and respectfully report it back with recommendation that it do not pass.

SETTLE,
Chairman.

Mr. Speaker :

Your Committee on Ways and Means, to whom was referred Council bill No. 44, have had the same under consideration, and respectfully report it back with the recommendation that it do pass.

SETTLE,
Chairman.

Mr. Speaker :

Your Committee on Ways and Means, to whom was referred House bill No. 91, have had the same under consideration, and respectfully report it back with amendment, and as so amended recommend that it do pass.

SETTLE,
Chairman.

Mr. Speaker :

A part of your Committee on Towns and Counties, to whom was referred House bill No. 110, would respectfully offer the following amendments, and as so amended recommend that the bill do pass. Strike out in Section 1 all after the words "Mountain House" to the word "Park" inclusive, in line 14 of said section, and insert in lieu thereof the following: "Thence following the divide south between the Yellowstone and West Gallatin River to the northern boundary of the National Park."

MALONY,
KANOUSE.

Mr. Speaker :

Your Committee on Towns and Counties, to whom was referred House bill No. 110, a bill for "An Act to create the new County of Park," would respectfully report the bill back to the House with the following statement: The proposed boundary running west from the Mountain House will pass within six or seven miles of Bozeman, the

present County seat, and will run through the upper portion of Galatin Valley, cutting off a large settlement of people who would be compelled to go through Bozeman to reach Livingston, the proposed County seat of the new County of Park, and would further state that a large majority of the population on the east side of the Mountain have come there within the last six months, and are of a transient character, and will probably be gone within the next six months; therefore it is considered premature and not for the best interests of the tax-payers to divide the County.

McADOW,
Chairman.

Mr. Speaker:

A majority of your Committee on Judiciary, to whom was referred House bill No. 83, "An Act to amend the Code of Civil Procedure," after examination of said bill, would respectfully report it back with a recommendation that it pass.

BATTEN,
COMLY,
SETTLE.

On motion of Forbis Council bill No. 20 was placed on the calendar for a third reading.

Council bill No. 44 was placed on the General Orders for the consideration of the Committee of the Whole.

On motion of Forbis House bill No. 109 was amended as follows, and ordered engrossed:

Amend by inserting after the "be," at end of line 9 of Section 1, the following: "not more than."

Allen offered the following amendment to Council bill No. 28, which, on motion, was adopted:

In Section 1, line 6, after word "persons" insert "or association of persons." Also, in same section, line 7, after the word "room" insert "or club rooms."

On motion of Kanouse the amendments offered by the Committee on Ways and Means were adopted, and the bill ordered engrossed.

House bills Nos. 56, 43 and 100 were ordered enrolled

On motion of Malony House bill No. 110 was made a Special Order for 2:30 to-day.

H. B. No. 83 was, on motion of Batten, filed for a third reading.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., March 1, 1883.

Mr. Speaker :

I am instructed by the Council to ask the return to the Council of H. J. R. No. 2 and H. B. No. 40 for the purpose of reconsideration.

JAMES B. WELLS,
Chief Clerk.

The following report was received :

Mr. Speaker :

Your Joint Committee on enrollment beg leave to report that C. B. No. 27, H. B's. Nos. 20, 58 and 87, and H. J. R. Nos. 4 and 5 have been correctly enrolled, and are herewith presented to the Speaker of the House for his signature.

BLAKE.

The following reports of Select Committees were received :

Mr. Speaker :

Your Select Committee of members from Helena have considered Council bill No. 43, "An Act to incorporate the Helena Classical School," and recommend that it pass. Your Committee are undecided as to the legal effect of the passage of this special bill, but as the friends of the measure desire the passage of the Act, we are of opinion that it can do no harm if it does no good, and, therefore, so recommend, leaving the parties in interest to test their rights in the Courts.

COMLY,
WALLACE,
Committee.

Mr. Speaker :

Your Select Committee, to whom was referred House bill No. 112, with instructions to report a substitute therefor, herewith report a substitute, and recommend it do pass.

BLAKE,
FORBIS,
McADOW.

Mr. Speaker :

The undersigned of the Select Committee, to whom was referred House bill No. 107, "A bill for an Act authorizing certain assessments to be made in Deer Lodge County," have grave doubts of the Legislative power to pass such a measure; and also doubt the propriety of invoking the Legislative functions for the purpose of collecting taxes which should have been regularly levied and collected so long since.

FORBIS,
BLAKE.

Mr. Speaker :

Your Select Committee, to whom was referred a petition from the

citizens of Fort Benton, praying for certain restrictions in regard to the sale of spirituous and malt liquors, beg leave to report that, after a protracted and exhaustive season of parturition, they have given birth to the following, and commend it to your mercy:

In our opinion an Arm-strong in the law must be ever ready to draw its sword in defense of the strong against the weak, and in order that it May-hew its way through the ranks of the oppressors it should don the Mantle of charity, and thus armed, walk forth with the pride and vigor of a Dean to victory. And should the law thus arrayed be found unable to cope with the enemy, we would suggest that there be added to its train a Cooper, who could hie him to his Mills, and there manufacture such implements for the successful invasion as might seem to him Wright and proper. If with these few suggestions you still find yourself unable to put the evil doers to flight, we respectfully recommend that it be referred to a committee composed as follows: The members from Missoula and Dawson Counties, and the unanimous member from Silver Bow County, and in our humble opinion such a reference will Settle it.

BAKER.

Self-constituted Chairman.

P. S.—If the matter still appears too high and lofty, Jacob's ladder might be used with good effect.

On motion of Comly the rules were suspended, and Council bill No. 43 was placed on file for a third reading.

House bill No. 107 was placed on the General Orders.

On motion of McAdow the substitute reported by the Special Committee to House bill No. 112 was adopted, the rules suspended and the bill placed on its final passage, and passed by the following vote:

Ayes—Batten, Blake, Clutter, Cooper, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, Mills, Wright, Mr. Speaker—15.

Noes—Allen, O'Grady—2.

Absent—Armstrong, Baker, Comly, Dean, Malony, Settle, Wallace—7.

Title agreed to.

The following reports were received:

Mr. Speaker:

Your Committee of the Whole House, to whom were referred H. J. R. No. 8 and H. B's. Nos. 106 and 79, have considered the same, and directed me to report the same back to the House, with the recommendation that they do pass.

BLAKE.

Mr. Speaker :

Your Committee of the Whole House, to whom was referred C. B. No. 6, have considered the same, and directed me to report back the bill, with the accompanying amendments, and recommend that as so amended it do pass.

BLAKE.

Mr. Speaker :

Your Committee of the Whole House, to whom was referred H. B. No. 73, and the report of the Committee on Territorial Affairs thereon, having considered the same, have directed me to report back the same to the House, and recommend that the bill and report be referred to a Joint Select Committee, consisting of three members of the House of Representatives and two members of the Council.

BLAKE.

Mr. Speaker :

Your Committee of the Whole House, to whom were referred H. B. No. 101 and H. J. R. No. 6, have considered the same, and directed me to report the bill and resolution back to the House, with the recommendation that they do not pass.

BLAKE.

Mr. Speaker :

Your Committee of the Whole House, to whom was referred C. B. No. 23, have considered the same, and directed me to report back the bill to the House, with the accompanying amendments, and recommend that as so amended it do not pass.

BLAKE.

On motion of Blake the rules were suspended, H. B's. Nos. 79 and 106 and H. J. R. No. 8 were considered engrossed, and placed on the calendar for a third reading.

On motion of Hickman, the amendments reported by the Committee of the Whole to C. B. No. 6 were adopted, and the bill ordered engrossed.

On motion of Comly, H. J. R. No. 6 and H. B. No. 101 were considered engrossed, and placed on the calendar for a third reading.

On motion of Blake, the amendments reported by the Committee of the Whole to Section 1 of C. B. No. 23 were adopted.

On motion of Blake the bill was further amended as follows :

Add to end of Section 2: "Provided further, that the provisions of this Act shall only be construed to impart notice to the public of such claim, but no person shall, by reason of this Act, acquire any or further rights."

The following report was received:

Mr. Speaker:

Your Committee of the Whole having under consideration H. B. No. 52, "An Act to amend the Montana School Law," have directed me to report the same back with the accompanying amendments, and the recommendation that as so amended it do pass.

MANTLE.

Chairman.

Comly introduced H. C. R. No. 5, "Relative to Legislative apportionment," which was adopted, and in conformity therewith the chair appointed Comly, Forbis and Hickman on the part of the House.

The Speaker announced that he had signed H. J. R's, Nos. 4 and 5, H. B's, Nos. 20, 58 and 87, and C. B. No. 27.

The following report was received:

Mr. Speaker:

Your Committee on Education and Labor, to whom was referred H. B. No. 111, "An Act to provide for the establishment of free public libraries," have had the same under consideration, and would respectfully report it back with a recommendation that it pass.

BATTEN.

Chairman.

On motion of Kanouse the rules were suspended, H. B. No. 111 was considered engrossed, and placed on the calendar for a third reading.

The hour having arrived for which H. B. No. 89 was made a Special Order, the bill was placed on its final passage.

Settle moved a call of the House.

A call was had; absent, Jacobs, O'Grady, Wallace.

Forbis moved to dispense with a further call. Motion lost by the following vote:

Ayes—Allen, Blake, Clutter, Cocper, Edwards, Erwin, Forbis, Hickman, Mantle—9.

Noes—Baker, Batten, Comly, Dean, Kanouse, Malony, McAdow, Mills, Settle, Wright, Mr. Speaker—11.

Absent—Armstrong, Jacobs, O'Grady, Wallace—4.

The absentees having appeared in their seats, a further call was dispensed with.

H. B. No. 89 was lost by the following vote :

Ayes—Allen, Baker, Batten, Comly, Dean, Erwin, Kanouse, Malony, Settle, Wright—10.

Noes—Blake, Clutter, Cooper, Edwards, Forbis, Hickman, Jacobs, Mantle, McAdow, Mills, O'Grady, Wallace, Mr. Speaker—13.

Absent—Armstrong—1.

The following communication was received :

TERRITORY OF MONTANA, EXECUTIVE OFFICE.
Helena, M. T., Feb. 28th, 1883.

To the Council and House of Representatives :

Gentlemen: I beg leave herewith to respectfully enclose the accompanying official copies of a document from the Legislature of Nevada, transmitted to me by the Governor of that State. The subject deeply concerns the silver mining interests of this Territory.

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

The documents accompanying the above was, on motion of Blake, referred to the Committee on Mines and Minerals.

Wallace was granted leave of absence for the balance of the day. On motion of Hickman the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Armstrong, Wallace.

The following report was received :

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that C. B's. Nos. 27 and 33, H. B's Nos. 20, 58 and 87, and H. J. R's. Nos. 4 and 5, were presented to the Governor for his approval on March 1, 1883, at 12 M.

BLAKE.

The following communication was received :

COUNCIL CHAMBER,
Helena, M. T., March 1, 1883.

Mr. Speaker:

I have the honor to inform you that the following, to wit: H. B. No. 24, H. B. No. 48, H. B. No. 53 as amended, H. B. No. 65 as amended, H. B. No. 75, H. B. No. 92 as amended, H. B. No. 104 as amended in title, and C. B. No. 21, have passed and are herewith transmitted. That H. B. No. 64 has been lost, and is herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

H. B's, Nos. 70, 48 and 24 were ordered enrolled.

On motion of Baker the House concurred in Council amendments to H. B. No. 92, and the bill was ordered enrolled.

On motion of Forbis the House concurred in Council amendments to H. B. No. 104, and the bill was ordered enrolled.

On motion of Blake the House concurred in Council amendments to House bill No. 53, and the bill was ordered enrolled.

On motion of O'Grady the House concurred in Council amendments to House bill No. 65, and the bill was ordered enrolled.

Notices of the introduction of bills were given as follows:

By Forbis, "A bill relative to insane persons." Also, "A bill providing for the service of process by telegraph."

By McAdow, a bill for "An Act to repeal Article Second of Chapter LIII, of the Revised Statutes of the Territory of Montana."

By Mills, a bill for "An Act entitled an Act to secure greater safety in winter travel on prairie mail routes."

Bills were introduced as follows:

By Forbis, House bill No. 113, "A bill relative to insane persons." Also, H. B. No. 114, "A bill providing for the service of process by telegraph."

By Mills, House bill No. 115, a bill for "An Act entitled an Act to secure greater safety in winter travel on prairie mail routes."

By Settle, H. B. No. 116, "An Act in relation to Public Records."

Council bill No. 21, "A bill for an Act to amend an Act entitled

an Act to provide compensation for clerks of the District courts," was read first and second times, and referred to the Committee on Ways and Means.

On motion of Hickman Council bill No. 50, "An Act to change the name of Johannes Gustaffson to John G. Hulten," was rejected.

Council bill No. 48, "An Act to require Sheriffs to keep a general docket," was read first and second times, and referred to the Committee on Judiciary.

Council bill No. 47, "A bill for an Act relative to the procuring of license by persons who keep Roller Skating Rinks," was read first and second times, and referred to the Committee on Ways and Means.

The House resolved itself into a Committee of the Whole for the consideration of House bill No. 110.

Hickman in the chair.

House resumed.

Mr. Speaker in the chair.

The following communication was received:

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, M. T., March 1st, 1883.

To the House of Representatives:

GENTLEMEN: I have the honor to inform you that I have this day approved House bill No. 20, entitled "An Act concerning the publication of Summons." Also, House bill No. 58, entitled "An Act concerning the storage of Gunpowder." Also, House bill No. 87, entitled "An Act to amend Section 348 of the Fifth Division of the Revised Statutes of Montana, relating to County Commissioners."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, M. T., March 1st, 1883.

To the House of Representatives:

GENTLEMEN: House Joint Resolution is herewith respectfully returned without my signature. For the same service rendered by Mr. John W. Eddy, to the Legislative Committee of 1881, the sum of fifty dollars was paid. I can, therefore, see no reason for the increase of pay to Mr. Edmund W. Bach.

I am, very respectfully,

JNO. SCHUYLER CROSBY,
Governor.

On motion of Blake the vote by which H. J. R. No. 5 passed the House was reconsidered.

The question being put, "Shall this Resolution pass, the objections of the Governor to the contrary notwithstanding?" the bill passed by the following vote:

Ayes---Allen, Baker, Batten, Comly, Edwards, Forbis, Hickman, Jacobs, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wright, Mr. Speaker---16.

Noes---Blake, Clutter, Cooper, Dean, Kanouse --5.
Absent—Armstrong, Erwin, Wallace---3.

Council bill No. 29, "A bill for an Act to amend an Act concerning Stenographers" was read first and second times. On motion of Blake the rules were suspended, the bill was read a third time by title and lost by the following vote:

Ayes---Blake, Jacobs, Kanouse, Malony, Settle---6.
Noes---Allen, Batten, Clutter, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Mantle, McAdow, Mills, O'Grady, Wright---14.
Absent-- Armstrong, Baker, Erwin, Wallace, 4.

On motion of Comly the House insisted on its action relating to House bill No. 28, and asked for a Committee of Conference. The Chair appointed as such Committee, on the part of the House, Comly, Wallace and Kanouse.

On motion of Batten the House concurred in Council amendments to House bill No 54, and the bill was ordered enrolled.

On motion of Malony the House concurred in Council amendments to House bill No. 8, and the bill was ordered enrolled.

On motion of Blake the House concurred in Council amendments to House bill No. 47, and the bill was ordered enrolled.

The following report was received:

Mr. Speaker :

Your Committee on Engrossment, to whom was referred the amendments to Council bill No. 19, "An Act to incorporate the town of Bozeman," also, the amendments to Council bill No. 6, a bill for "An Act to prevent woman beating in the Territory of Montana," also, House bill No. 45, "An Act to amend an Act concerning chattel mortgages," also, House bill No. 70, "An Act to authorize County Commissioners to issue bonds to redeem outstanding indebtedness"

beg leave to report that they have examined the same and find them correctly engrossed.

MANTLE,
Chairman.

House bill No. 113 was read first and second times, and on motion of Forbis the rules were suspended, the bill read a third time and passed by the following vote:

Ayes—Allen, Baker, Batten, Blake, Clutter, Comly, Dean, Erwin, Forbis, Hickman, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Wright, Mr. Speaker—18.

Noes—None.

Absent—Armstrong, Cooper, Edwards, Jacobs, Settle, Wallace—6.

Title agreed to.

House bill No. 114 was read first and second times, and referred to the Committee on Judiciary.

House bill No. 115 was read first and second times, and referred to the Committee on Roads and Highways.

House bill No. 116 was read first and second times, and, on motion of Settle, the rules were suspended and the bill placed on the calendar for a third reading.

On motion of Blake the rules were suspended, H. B. No. 70 was read a third time by title, and passed by the following vote:

Ayes—Allen, Baker, Batten, Blake, Clutter, Comly, Cooper, Edwards, Erwin, Forbis, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wright—18.

Noes—Mr. Speaker—1.

Absent—Armstrong, Dean, Hickman, Jacobs, Wallace—5.

Title agreed to.

On motion of Forbis the rules were suspended, and H. B. No. 101 was read a third time by title, and lost by the following vote:

Ayes—Allen, Batten, Comly, Mantle, Mr. Speaker—5.

Noes—Baker, Blake, Clutter, Cooper, Edwards, Erwin, Forbis, Kanouse, Malony, McAdow, Mills, O'Grady, Settle, Wright—14.

Absent—Armstrong, Dean, Hickman, Jacobs, Wallace—5.

Title agreed to.

H. B. No. 83 was read a third time, and passed by the following vote:

Ayes—Baker, Batten, Comly, Dean, Jacobs, Kanouse, Mantle, McAdow, Settle, Wright—10.

Noes-- Blake, Cooper, Edwards, Erwin, Forbis, Malony, Mr. Speaker --7.

Absent---Allen, Armstrong, Clutter, Hickman, Mills, O'Grady, Wallace---7.

Title agreed to.

On motion of Baker the rules were suspended, H. B. No. 79 was read a third time by title, and passed by the following vote:

Ayes—Allen, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Jacobs, Kanouse, Mantle, McAdow, Settle, Wright, Mr. Speaker—18.

Noes—None.

Absent—Armstrong, Hickman, Malony, Mills, O'Grady, Wallace—6.

Title agreed to.

On motion of Comly the title was amended to read: "An Act to prevent the spread of contagions among sheep."

On motion of Blake the rules were suspended, H. B. No. 72 was read a third time by title, and passed by the following vote:

Ayes—Baker, Batten, Blake, Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Jacobs, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wright, Mr. Speaker—18.

Noes—Allen, Comly—2.

Absent—Armstrong, Hickman, Kanouse, Wallace—4.

Title agreed to.

The following report was received:

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that C. B's. Nos. 13, 35, 38 and 7, and C. J. M. No. 2, and H. B's. Nos. 56 and 100 have been correctly enrolled, and are herewith presented to the Speaker of the House for his signature.

BLAKE.

The Speaker announced that he had signed H. B's. Nos. 56 and 100, C. B's. Nos. 7, 13, 35 and 38, and C. J. M. No. 2.

On motion of Baker the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

FIFTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 2d, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the Chair.

Roll called—quorum present.

Absent on leave, Armstrong.

Prayer by the Chaplain.

Journal of fifty-third day read and approved.

The following report was received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that H. B's. Nos. 43, 47, 53, 65, 92 and 104 have been correctly enrolled, and are herewith presented to the Speaker of the House for his signature.

BLAKE.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., March 1, 1883.

Mr. Speaker:

I have the honor to inform you that the following, to wit: Council bill No. 22, Council bill No. 34, Council bill No. 36, House bill No. 74, Council bill No. 37 and House bill No. 60 have passed and are transmitted; that Council bill No. 24, Council bill No. 49 and Council bill No. 18 have been lost.

JAMES B. WELLS,
Chief Clerk.

COUNCIL CHAMBER,
Helena, M. T., March 2, 1883.

Mr. Speaker:

I have the honor to inform you that C. J. M. No. 7 has passed and is herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

House bills Nos. 60 and 74 were ordered enrolled.

H. B. No. 106 was read a third time, and passed by the following vote:

Ayes--Allen, Baker, Batten, Blake, Clutter, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, Settle, Wright, Mr. Speaker---18.

Noes—Comly, Cooper, O'Grady—3.

Absent—Armstrong, Dean, Wallace—3.

H. B. No. 45 was read a third time, and passed by the following vote:

Ayes—Baker, Blake, Comly, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, McAdow, Settle, Mr. Speaker—13.

Noes—Allen, Batten, Clutter, Cocper, Dean, Kanouse, Mills, O'Grady, Wright—9.

The Speaker announced that he had signed H. B's. Nos. 43, 47, 53, 65, 92 and 104.

The following reports were received :

Mr. Speaker :

Your Committee on the Judiciary herewith reports H. B. No. 78, and recommend the same do pass.

FORBIS.

Mr. Speaker :

Your Committee on the Judiciary herewith reports substitute for H. B. No. 82, and recommend the same be adopted and do pass. Your Committee also reports an amendment to H. B. No. 94, and recommends as so amended said bill do pass. Your Committee also reports C. B. No. 32, and recommend that the same do not pass.

FORBIS.

H. B. No. 78 was ordered engrossed.

On motion the rules were suspended, and C. B. No. 32 was filed for a third reading.

On motion of Blake the substitute offered by the Judiciary Committee to H. B. No. 82 was adopted, and the bill ordered engrossed.

On motion of Forbis the amendments offered by the Judiciary Committee to H. B. No. 94 were adopted, and the bill was ordered engrossed.

The following communication was received :

TERRITORY OF MONTANA, EXECUTIVE OFFICE.
Helena, M. T., March 2d, 1883.

To the House of Representatives:

Gentlemen: House Joint Resolution No. 4, "To pay for wood cuts used in publishing marks and brands," is herewith respectfully returned without my signature for the following reasons, i. e.:

First. The public printer, under his contract, is required to do and perform all printing of whatever nature for the office of Territorial Treasurer, and his compensation therefor is prescribed by law. (Revised Statutes of Montana, Sec. 972.)

Second. The contract of the public printer, to do the public printing, necessarily includes the furnishing of all material necessary for such printing.

Third. The Territorial Treasurer, as receiver of marks and brands, is required to publish annually, as a part of his report, a list of all marks and brands not previously published, (Revised Statutes of Montana, Sec. 110.) and hence the public printer is required to print the same under his contract, and for the compensation therein provided. He is not entitled to extra compensation for furnishing the necessary types or wood cuts for marks and brands any more than he is entitled to such compensation for furnishing any other type necessary to the performance of his contract; under his contract he must furnish everything necessary to do the printing he has agreed to do.

Fourth. Similar claims, after full consideration, have been rejected by the Courts, for the reason that they were not proper or lawful claims against the Territory.

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

On motion of Blake the vote by which H. J. R. No. 4 passed the House was reconsidered.

Blake moved a call of the House.

A call was had; absent, Cooper, Wallace, Wright.

The absentees having appeared in their seats, a further call was dispensed with.

The question being put, "Shall this resolution pass, the objections of the Governor to the contrary notwithstanding?" the bill was lost by the following vote:

Ayes—Allen, Baker, Batten, Clutter, Comly, Edwards, Jacobs, Kanouse, Malony, McAdow, Mills, O'Grady, Settle, Wright. Mr. Speaker—15.

Noes—Blake, Cooper, Dean, Erwin, Forbis, Hickman, Mantle, Wallace—8.

Absent—Armstrong—1.

H. J. M. No. 7 was read a third time, and lost by the following vote:

Ayes—Allen, Batten, Comly, Mills, O'Grady, Wright—6.

Noes—Baker, Blake, Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Settle, Wallace, Mr. Speaker—17.

Absent—Armstrong—1.

H. J. R. No. 8 was read a third time.

On motion of Edwards the House took a recess until 2 p. m.

2 p. m.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Armstrong.

The following report was received:

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that H. B's. Nos. 43, 47, 53, 56, 65, 92, 100 and 104, and C. B's. Nos. 13, 35 and 38 were presented to the Governor for his approval on March 2, 1883, at 12:15 p. m.

BLAKE.

H. J. R. No. 8 passed by the following vote:

Ayes—Allen, Baker, Batten, Comly, Dean, Forbis, Jacobs, Kanouse, Mantle, McAdow, Mills, O'Grady, Wright, Mr. Speaker—14.

Noes—Blake, Clutter, Edwards, Erwin, Hickman, Settle, Wallace—7.

Absent—Armstrong, Cooper, Malony—3.

Title agreed to.

H. J. R. No. 6 was read a third time, and lost by the following vote:

Ayes—Baker, Blake, Comly, McAdow, Mills, O'Grady, Mr. Speaker—7.

Noes—Allen, Batten, Clutter, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, Settle, Wallace, Wright—13.

Absent—Armstrong, Cooper, Dean, Malony—4.

H. B. No. 111 was read a third time, and passed by the following vote:

Ayes—Allen, Baker, Batten, Blake, Clutter, Comly, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, Mills, O'Grady, Wallace, Wright---19.

Noes-- Mr. Speaker—1.

Absent---Armstrong, Cooper, Malony, Settle---4.

Title agreed to.

The following communications were received:

TERRITORY OF MONTANA, EXECUTIVE DEPARTMENT.
Helena, M. T., March 2d, 1883.

To the House of Representatives:

Gentlemen: I have the honor to inform you that I have this day approved House bill No. 53, entitled "An Act to amend Section 1007 of the Fifth Division of the Revised Statutes of Montana." Also,

House bill No. 100, entitled "An Act concerning disincorporations." Also,

House bill No. 65, entitled "An Act to amend an Act entitled an Act to incorporate the Town of Butte." Also,

House bill No. 104, entitled "An Act to repeal Section 10 of an Act entitled an Act to create the County of Silver Bow, and for the election of officers thereof." Also,

House bill No. 56, entitled "An Act relative to the jurisdiction of Justices' Courts." Also,

House bill No. 43, entitled "An Act to amend an Act to provide for the payment of stock killed or injured by railroads." Also,

House bill No. 47, entitled "An Act to authorize School Trustees to issue bonds to build or provide school houses."

I am, very respectfully, your obedient servant.

JNO. SCHUYLER CROSBY,
Governor.

COUNCIL CHAMBER,
Helena, M. T., March 2d, 1883.

Mr. Speaker:

I have the honor to inform you that the following bills have been introduced, by unanimous consent, without previous notice:

By Cox—C. B. No. 53, "A bill for an Act to amend Sections 253 and 256 of the Code of Civil Procedure, First Division, and Section 306, Fifth Division, Criminal Practice Act, of the Revised Statutes of the Territory of Montana." Also,

C. B. No. 53, "An Act to authorize the Supreme Court to employ a janitor, and to prescribe his duties."

By Cardwell, Mitchell and Witter—C. B. No. 54, "A bill for an Act to define the boundary line between the County of Jefferson and

the Counties of Silver Bow and Deer Lodge, and to authorize the appointment of Commissioners thereof."

That the vote by which H. J. R. No. 5 had passed was reconsidered, and the resolution, herewith transmitted, was, by a unanimous vote, passed over the Governor's veto, the question having been put, "Shall this resolution pass, the objection of the Governor to the contrary notwithstanding?"

That H. C. R. No. 5, herewith transmitted, has passed the Council, the President having appointed, in conformity therewith, on the part of the Council, Messrs. Bass, Morris and Chessman.

That the President has appointed as the Committee of Conference, on the part of the Council, relative to H. B. No. 28, Messrs. Witter, Chessman and Morris.

That H. J. R. No. 9 has been lost, and is transmitted; that C. B. No. 54 has passed, and is also transmitted.

JAMES B. WELLS,
Chief Clerk.

Substitute for H. B. No. 25 was read a third time.

Comly moved a call of the House.

A call was had; absent, Batten, Cooper, Malony.

On motion of Comly a further call was dispensed with.

H. B. No. 25 passed by the following vote:

Ayes---Allen, Baker, Comly, Jacobs, Kanouse, McAdow, Mills, O'Grady, Settle, Mr. Speaker---10.

Noes---Blake, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Wallace, Wright -9.

Absent---Armstrong, Batten, Cooper, Malony, Mantle---5.

Title agreed to.

C. B. No. 30 was read a third time, and passed by the following vote:

Ayes---Allen, Blake, Clutter, Comly, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker---17.

Noes---None.

Absent---Armstrong, Baker, Batten, Cooper, Malony, Mantle, Settle---7.

Title agreed to.

C. B. No. 17 was read a third time, and passed by the following vote:

Ayes---Allen, Blake, Clutter, Comly, Dean, Erwin, Forbis, Hick-

man, Jacobs, Kanouse, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker—16.

Noes—Edwards—1.

Absent—Armstrong, Baker, Batten, Cooper, Malony, Mantle, Settle—7.

Title agreed to.

C. B. No. 6 was read a third time, and passed by the following vote:

Ayes—Allen, Blake, Comly, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, O'Grady, Wallace, Wright ---15.

Noes---Settle, Mr. Speaker---2.

Absent---Armstrong, Baker, Batten, Clutter, Cooper, Malony, Mills---7.

Title agreed to.

By unanimous consent, Edwards offered the following amendment to C. B. No. 19, which, on motion, was adopted:

Amend Sec. 2, Art. 4, to read as follows:

Sec. 2. All citizens of the United States, and those who have declared their intention to become such, of twenty one years of age, whose names shall appear upon the County Assessor's tax list of the preceding year, and who shall have been an actual resident of said city six months preceding said election, shall be entitled to vote for city officers and the adoption of this charter, provided that said voters shall give their votes in the wards in which they shall respectively reside.

On motion of Edwards the amendments were considered engrossed, the bill read a third time by title, and passed by the following vote:

Ayes---Baker, Batten, Clutter, Dean, Edwards, Forbis, Hickman, Erwin, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Wallace, Wright---16.

Noes - Allen, Blake, Comly, Cooper, Jacobs, Mr. Speaker- -6

Absent---Armstrong, Settle---2.

Title agreed to.

C. B. No. 43 was read a third time, and passed by the following vote:

Ayes---Allen, Baker, Batten, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker---22.

Noes - Blake---1.

Absent---Armstrong---1.

Title agreed to.

C. B. No. 20 was read a third time, and passed by the following vote:

Ayes—Allen, Baker, Batten, Blake, Clutter, Comly, Cooper, Dean, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, O'Grady, Settle, Wallace, Wright---20.

Noes---Edwards, Mills, Mr. Speaker---3.

Absent---Armstrong---1.

Baker, on motion, was granted six days leave of absence.

Edwards moved to adjourn. Motion lost.

Comly moved to adjourn. Motion lost.

C. B. No. 54 was read first and second times. On motion of Allen the rules were suspended, the bill read a third time by title, and was lost by the following vote:

Ayes---Allen, Settle, Mr. Speaker---3.

Noes---Batten, Blake, Clutter, Comly, Cooper, Dean, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, Mills, O'Grady, Wallace-- 15.

Absent-- Armstrong, Baker, Edwards, Erwin, Malony, Wright---6.

O'Grady moved to reconsider the vote by which the bill was lost.

Forbis moved to lay that motion on the table. Motion lost.

On motion of Comly the motion for reconsideration was made a Special Order for 11:30 to-day.

On motion of Wallace the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

FIFTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 3d, 1883.

House met pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Armstrong, Baker.

Prayer by the Chaplain.

Journal of the fifty-fourth day read and approved.

The following report was received :

Mr. Speaker :

Your Joint Committee on enrollment beg leave to report that H. B's Nos. 24, 48, 54 and 75 have been correctly enrolled, and are herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker :

Your Committee of the Whole, to whom was referred H. B. No. 110, a bill for "An Act to create the new County of Park," beg leave to report that we have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that the same do pass.

R. O. HICKMAN,
Chairman.

On motion of Forbis the amendments to H. B. No. 110 were adopted, and the bill was ordered engrossed.

The Speaker announced that he had signed House bills Nos. 48, 75, 24 and 54.

Bills were introduced as follows :

By Clutter, H. B. No. 117, "A bill for an Act concerning the inmates of Public Institutions."

By Kanouse, House bill No. 118, "A bill for an Act entitled an Act to provide against escape of convicts."

By Mantle, H. B. No. 119, "An Act to change the seat of government of the Territory of Montana."

By Mantle, House bill No. 120, "A bill for an Act entitled an Act to amend Section 1113, Fifth Division of the Revised Statutes of Montana."

On motion of Blake the chairman of the Committee of the Whole, to whom was referred House bill No. 33, was requested to report it back to the House.

C. J. M. No. 7, "For increase of rates for public surveying," was read first and second times, and on motion of Allen the rules were suspended, the memorial read a third time by title and passed by the following vote:

Ayes—Allen, Batten, Blake, Clutter, Comly, Cooper, Edwards, Erwin, Forbis Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—None.

Absent—Armstrong, Baker, Dean—3.

Title agreed to.

Council bill No. 37, "An Act to provide for the levy and collection of street taxes in incorporated towns and cities," was read first and second times, and referred to the Committee on Towns and Counties.

Council bill No. 22, "A bill for an Act to amend an Act entitled an Act in relation to fees of County clerk," was read first and second times and referred to the Committee on Ways and Means.

Council bill No. 34, "An Act in relation to Wire Fences," was read first and second times and referred to the Committee on Grazing and Stock Growing.

Council bill No. 36, "A bill in relation to the Law Division and Miscellaneous Division of the Montana Library," was read first and second times and on motion of Blake the rules were suspended, the bill read a third time by title and passed by the following vote:

Ayes—Batten, Blake, Clutter, Comly, Cooper, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, Mills, O'Grady, Wallace, Wright, Mr. Speaker—18.

Noes—McAdow---1.

Absent—Allen, Armstrong, Baker, Dean, Settle—5.

Title agreed to.

House bill No. 117 was read first and second times, and on motion of Edwards the rules were suspended, the bill considered engrossed, read a third time by title and passed by the following vote:

Ayes—Batten, Blake, Clutter, Comly, Cooper, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker---19.

Noes—None.

Absent—Allen, Armstrong, Baker, Dean, Settle—5.

Title agreed to.

House bill No. 118 was read first and second times, and on motion of Mantle the rules were suspended, the bill considered engrossed, read a third time by title and passed by the following vote:

Ayes—Allen, Batten, Blake, Clutter, Comly, Cooper, Edwards, Erwin, Forbis, Hickman, Kanouse, Malony, Mantle, Mills, O'Grady, Wallace, Wright, Mr. Speaker—18.

Noes—Jacobs, McAdow—2.

Absent—Armstrong, Baker, Dean, Settle---4.

Title agreed to.

House bill No 119 was read first time. Comly objected to the bill. The question being put, "Shall this bill be rejected?" the objections were overruled by the following vote:

Ayes—Allen, Comly, Cooper, Jacobs, Mills, Settle, Wallace---7.

Noes---Batten, Blake, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Malony, Mantle, McAdow, O'Grady, Wright, Mr. Speaker---15.

Absent---Armstrong, Baker---2.

The bill was read a second time.

Kanouse offered the following amendment:

1st. Insert after the word "Gallatin," Section 1, the words "or Townsend, in Meagher County."

2d. Strike out words "Capital Law approved, or Capital Law disapproved" and insert words "The name of the place voted for."

Blake moved to suspend the rules and refer the bill to the Committee on elections.

Wallace moved to amend by referring to Committee on Territorial Affairs. Amendment lost by the following vote:

Ayes—Batten, Comly, Cooper, Jacobs, Kanouse, Mills, Settle, Wallace—8.

Noes—Allen, Blake, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Malony, Mantle, McAdow, O'Grady, Wright, Mr. Speaker—14.

Absent—Armstrong, Baker—2.

The motion of Blake was lost by the following vote :

Ayes—Batten, Blake, Clutter, Dean, Erwin, Malony, McAdow, O'Grady, Mr. Speaker—9.

Noes—Allen, Comly, Cooper, Edwards, Forbis, Hickman, Jacobs, Kanouse, Mantle, Mills, Settle, Wallace, Wright—13.

Absent—Armstrong, Baker—2.

Wallace moved to indefinitely postpone the bill. Motion lost by the following vote :

Ayes—Allen, Comly, Cooper, Jacobs, Mills, Settle, Wallace—7.

Noes—Batten, Blake, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Malony, Mantle, McAdow, O'Grady, Wright, Mr. Speaker—15.

Absent—Armstrong, Baker, 2.

Comly moved to adjourn. Motion lost by the following vote :

Ayes—Allen, Comly, Cooper, Mills, Wallace—5.

Noes—Batten, Blake, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, O'Grady, Settle, Wright, Mr. Speaker—17.

Absent—Armstrong, Baker—2.

Batten moved to place the bill on General Orders. Motion lost by the following vote :

Ayes—Batten, Dean, Kanouse, O'Grady—4.

Noes—Allen, Blake, Clutter, Comly, Cooper, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, McAdow, Mills, Settle, Wallace, Wright, Mr. Speaker—18.

Absent—Armstrong, Baker, 2.

Edwards moved to suspend the rules, consider the bill engrossed and place on file for a third reading. Motion lost by the following vote :

Ayes—Blake, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Malony, Mantle, McAdow, Wright, Mr. Speaker—12.

Noes—Allen, Batten, Comly, Cooper, Jacobs, Kanouse, Mills, O'Grady, Settle, Wallace—10.

Absent—Armstrong, Baker—2.

Wallace moved to take a recess until 2 p. m.

Motion lost.

Forbis moved to order the bill engrossed. Motion lost by the following vote:

Ayes---Blake, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Malony, Mantle, McAdow, Wright, Mr. Speaker---12.

Noes---Allen, Batten, Comly, Cooper, Jacobs, Kanouse, Mills, O'Grady, Settle, Wallace---10.

On motion of Blake the bill was referred to the Committee on Printing with instructions to have it printed as soon as possible.

On motion of Kanouse the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called---quorum present.

Absent on leave---Armstrong, Baker.

By unanimous consent Blake introduced H. J. R. No. 10, "Authorizing the employment of additional clerks," was read first and second times, and on motion of Edwards the rules were suspended, the resolution was read a third time and passed by the following vote:

Ayes---Allen, Batten, Blake, Clutter, Comly, Cooper, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, Mills, Wallace, Mr. Speaker---17.

Noes---Malony---1.

Absent---Armstrong, Baker, Dean, O'Grady, Settle, Wright---6.

Title agreed to.

House bill No. 120 was read first and second times, and on motion of Forbis the rules were suspended, the bill considered engrossed and placed on the calendar for a third reading.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., March 3, 1883.

Mr. Speaker:

I am instructed by the Council to inform your honorable body that the Council refuses to concur in House amendments to Council bill No. 30, and respectfully asks the House to recede therefrom; also, that the Council has reconsidered the vote by which H. J. R. No. 9 had been lost in this body, and asks the return of the same.

JAMES B. WELLS,
Chief Clerk.

Mills moved that the House recede from its amendments to C. B. No. 30.

Allen moved a call of the house.

A call was had; absent Clutter, Settle, Wright.

The absentees having appeared in their seats a further call was dispensed with.

The House receded from its amendments to Council bill No. 30, by the following vote:

Ayes --Batten Dean, Edwards, Erwin, Hickman, Jacobs, Kanouse, McAdow, Mills, Settle, Wallace, Wright---12.

Noes---Allen, Blake, Clutter, Comly, Cooper, Forbis, Malony, Mantle, O'Grady, Mr. Speaker---10.

Absent---Armstrong, Baker---2.

The following report was received:

COUNCIL CHAMBER,
Helena, M. T., March 3d, 1883.

Mr. Speaker:

I am instructed by the Council to inform your honorable body that H. J. R. No. 19 has passed and is transmitted.

JAMES B. WELLS,
Chief Clerk.

H. J. R. No. 10 was ordered enrolled.

Hickman presented the following:

Resolved: That the Sargeant-at-Arms of this House be instructed to suppress smoking within the bar of this House during the sessions thereof.

On motion of Edwards the resolution was adopted.

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment has examined and herewith reports the following bills correctly engrossed, to wit:

House bills Nos. 78, 82, (substitute) 86, 94, 85, 91, 109, and Council bills Nos. 28 and 23.

MANTLE,
Chairman.

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that H. B's. Nos. 24, 48, 54 and 75 were presented to the Governor for his approval on March 3, 1883, at 12:30 p. m.

BLAKE.

The following communication was received :

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, M. T., March 3d, 1883.

To the House of Representatives :

GENTLEMEN: I have the honor to inform you that I have this day approved the following House bills:

House Bill No. 24, entitled "An Act to establish Boards of Health."

House Bill No. 48, entitled "An Act providing for the incorporation of Institutions of learning."

House bill No. 54, entitled "An Act to provide for the refunding of certain outstanding fifteen per cent bonds of Missoula County, Montana, with accrued interest thereon, and for other purposes."

And House bill No. 92, entitled "An Act to provide for the Fort Benton Fire Department."

I am, very respectfully, your obedient servant.

JNO. SCHUYLER CROSBY,
Governor.

The following report was received :

Mr. Speaker :

Your Joint Committee on enrollment beg leave to report that C. B. No. 7 was presented to the Governor for his approval on March 2, 1883, at 5:15 p. m.

BLAKE.

On motion of Mantle the rules were suspended and House bill No. 110 was considered engrossed.

Malony moved a call of the House.

A call was had; all present.

Malony moved a call of the House.

A call was had; absent, Allen, Comly.

The absentees having appeared in their seats a further call was dispensed with.

H. B. 10 was read a third time and passed by the following vote :

Ayes—Allen, Batten, Blake, Clutter, Comly, Forbis, Kanouse, Malony, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—14.

Noes—Cooper, Dean, Edwards, Erwin, Hickman, Jacobs, Mantle, McAdow—8.

Absent—Armstrong, Baker—2.

Title agreed to.

The following was presented :

Resolved : That any member of the House found absent upon a call of the House shall be fined in the sum of two dollars, which amount shall be paid to the Sargeant-at-Arms as fees, and the Secretary of the Territory shall retain such amount from the *pér diem* of such member and pay the same to the Sargeant-at-Arms upon the certificate of the Chief Clerk certifying the fact. Such fine may be remitted by the House.

FORBIS.

On motion of Blake the resolution was adopted.

H. B. No. 85 was read a third time.

Comly moved to adjourn.

Comly moved a call of the House.

A call was had; absent, Edwards, Malony, Wright.

The absentees having appeared in their seats a further call was dispensed with.

The motion to adjourn was lost by the following vote :

Ayes---Allen, Blake, Clutter, Comly, Cooper, Dean, Edwards, Jacobs, Malony, O'Grady, Wallace---11.

Noes- -Batten, Erwin, Forbis, Hickman, Kanouse, Mantle, McAdow, Mills, Settle, Wright, Mr. Speaker- -11.

The following report was received :

Mr. Speaker :

Your Joint Committee on enrollment beg leave to report that H. B's Nos. 8 and 74, H. J. R. No. 10, and C. B's 17, 20 and 43, have been correctly enrolled, and are herewith presented to the Speaker of the House for his signature.

BLAKE.

The Speaker announced that he had signed H. J. R. No. 10, H. B. 8, and Council bills 17, 20 and 43.

On motion of Comly the House adjourned until 10 A. M. Monday.

DAVID MARKS,
Chief Clerk.

FIFTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 5th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Armstrong, Baker.

Prayer by the Chaplain.

Journal of fifty-fifth day read and approved.

On motion of O'Grady an indefinite leave of absence was granted to Armstrong on account of sickness.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., March 3, 1883.

Mr. Speaker:

I have the honor to inform you that the Council has concurred in House amendments to Council bill No. 19, and declines to concur in House amendments to Council bill No. 6, herewith transmitted, and respectfully asks the House to recede therefrom.

That the following, to wit: House bill No. 79 as amended, House bill No. 111, House bill No. 105 as amended, House bill No. 88 as amended, House bill No. 81, House bill No. 102 as amended, House Joint Resolution No. 9, House Joint Resolution No. 2 as amended, House bill No. 90 as amended in title. Council bill No. 46 and Council bill No. 45 have passed the Council, and are herewith transmitted.

That House bill No. 70 has been lost, and is transmitted.

That Council bill No. 52 has been lost. That Chessman gave notice of a motion to reconsider the vote by which House bill No. 70 had been lost.

JAMES B. WELLS,
Chief Clerk.

H. B's. Nos. 81, 111, and H. J. R. No. 9 were ordered enrolled.

On motion of Cooper the House concurred in Council amendments to House bill No. 79, and the bill was ordered enrolled.

On motion of Batten the House refused to concur in that portion of Council amendments relative to the licensing houses of prostitution, and respectfully asks the Council to recede.

On motion of Batten all other amendments of the Council to House bill No. 105 were concurred in.

On motion of Comly the House refused to concur in Council amendments to H. J. R. No. 2, and asks the Council to recede.

On motion, the House concurred in Council amendments to House bills Nos. 88, 90 and 102, and the bills were ordered enrolled.

On motion of Mantle the House adhered to its amendments to Council bill No. 6.

The following communications were received:

TERRITORY OF MONTANA, EXECUTIVE OFFICE.
Helena, M. T., March 5th, 1883.

To the House of Representatives:

GENTLEMEN: House bill No. 8, entitled "An Act to provide for the funding of the outstanding indebtedness of Dawson County," is herewith returned without my signature for the following reasons:

The bill seems to provide for the conversion of depreciated warrants of Dawson County into seven per cent. bonds, having from five to fifteen years to run, fortified by a tax levy for the special purpose of paying principal and interest, with a mandate on the County Commissioners to make up any deficiency out of the General fund, and a provision that the Treasurer shall receive half of one per cent. in addition to his salary or fees now pertaining to his office.

The Territorial Auditor's statement shows that, although the County of Dawson has been organized but a short time, the assessed value has decreased over 56 per cent. I have no knowledge of the nature of the expenditure or the necessities which have created the demand for a permanent bonded debt in lieu of warrants, or of the persons now holding these warrants, or of the rate at which they were purchased. I believe, however, that the laws now in force and the contingent fund will, with reasonable economy, provide for the County expenses, without funding the debt at present as proposed.

I am, very respectfully, your obedient servant.

JNO. SCHUYLER CROSBY,
Governor.

TERRITORY OF MONTANA, EXECUTIVE OFFICE.
Helena, M. T., March 3d, 1883.

To the House of Representatives:

GENTLEMEN: I have the honor to inform you that I have this day

approved House bill No. 74, entitled "An Act to enable the County of Choteau to erect a Court House." Also, House Joint Resolution No. 10, "Authorizing employment of additional clerks."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, M. T., March 3, 1883.

To the House of Representatives :

GENTLEMEN: I herewith respectfully return House bill No. 75, entitled "An Act concerning the letting of service of convicts confined in the Territorial Penitentiary at Deer Lodge," without my signature for the following reasons:

The prices of labor in this County fluctuate so much, and the ideas of men as to possible crises in trade are so different, that no man, in my opinion, should be allowed to bind the Territory for ten years. Either the Territory may receive less than labor is worth, or contractors, working at a loss on a long contract may seek to evade the loss in some way injurious to the convicts, though I think the limitation to ten hours is not suitable to a Penitentiary.

Section 2 of the bill returned overlooks the possibility that there may be many convicts sentenced for less than three years, and that nine may remain uncontracted for, for want of the tenth; or it is ambiguous. The percentage retained by the Warden seems to me larger than is necessary. A fixed and liberal salary for a Warden is in my opinion much better than emoluments contingent on a good convict market. As the subject of cheap convict labor has become an important issue in many States, the Legislature may pardon a suggestion, that seems to me likely to remedy two opposing difficulties that environ the subject. Honest labor complains of cheap competition by criminals. Contractors say that bids must be low because the labor is insubordinate and uncertain.

Now every Penitentiary should be reformatory. I think that if some small percentage of long convicts' labor should be payable to himself, the standard of industry and character in the prison workshops would be raised, and that if this percentage were received as a fund to be paid the convict on discharge, the little fund and the habits of industry formed in the Penitentiary would work such a real reform that convicts might become valuable citizens.

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

On motion of Malony the vote by which House bill No. 8 passed the House was reconsidered.

The question being put, "Shall this bill pass, the objections of the Governor to the contrary notwithstanding?" the bill passed by the following vote:

Ayes—Allen, Batten, Clutter, Dean, Forbis, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wright, Mr. Speaker—15.

Noes—Blake, Cooper, Edwards, Erwin, Hickman, Wallace—6.

Absent—Armstrong, Baker, Comly—3.

On motion of Mantle the vote by which House bill No. 75 passed the House was reconsidered.

The question being put, "Shall this bill pass, the objections of the Governor to the contrary notwithstanding?" the bill was lost by the following vote:

Ayes—Comly, Cooper, Forbis, Hickman, Jacobs, Malony, McAdow, Settle, Wallace---9.

Noes---Allen, Batten, Blake, Clutter, Dean, Edwards, Erwin, Kanouse, Mantle, Mills, O'Grady, Wright, Mr. Speaker---13.

Absent---Armstrong, Baker---2.

The following reports were received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that H. B's. Nos. 60, 81 and 102, and H. J. R. No. 9, have been correctly enrolled, and are herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker:

Your Joint Committeee on Enrollment beg leave to report that H. B's. Nos. 8, 79, 90, 111, 88 and 74, H. J. R. No. 10, and C. B's. Nos. 17, 20, 30 and 43 were presented to the Governor for his approval on March 3, 1883, at 4:30 P. M.

BLAKE.

Mr. Speaker:

Your Committee on Engrossment having examined H. B. No. 52 herewith report the same back correctly engrossed.

MANTLE,
Chairman.

On motion of Batten the rules were suspended, the bill was read a third time by title, and passed by the following vote:

Ayes - Allen, Batten, Blake, Clutter, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mills, O'Grady, Settle, Wallace, Wright --15.

Noes---Comly, Cooper, Dean, Kanouse, Mantle, McAdow, Mr. Speaker---7.

Absent---Armstrong, Baker---2.

Title agreed to.

The Speaker announced that he had signed H. B's. Nos. 60, 81, 102, and H. J. R. No. 9.

H. B. No. 85 was read a third time, and passed by the following vote:

Ayes—Batten, Blake, Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, Settle, Wallace, Wright, Mr. Speaker—19.

Noes—Allen—1.

Absent—Armstrong, Baker, Comly, O'Grady—4.

Title agreed to.

H. B. No. 91 was read a third time, and passed by the following vote:

Ayes—Allen, Batten, Blake, Comly, Cooper, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, Settle, Wallace, Wright—18.

Noes—Dean, O'Grady, Mr. Speaker—3.

Absent—Armstrong, Baker, Clutter—3.

Title agreed to.

H. B. No. 78 was read a third time, and passed by the following vote:

Ayes—Batten, Blake, Clutter, Comly, Cooper, Dean, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker---20.

Noes---None.

Absent---Allen, Armstrong, Baker, Edwards---4.

Title amended so as to read: "A bill for an Act to amend Section 191 and 309 of the First Division of the Revised Statutes of the Territory of Montana, Code of Civil Procedure."

The following report was received:

Mr. Speaker:

Your Committee on Printing have examined H. B. No. 119, and find the same correctly printed.

DEAN, Chairman Committee.

Wallace moved to take a recess until 2 p. m. Motion lost.

Mantle moved that H. B. No. 119 be referred to the Committee on Elections.

Comly moved to amend by referring to the Committee on Territorial Affairs.

The amendment was lost by the following vote:

Ayes—Allen, Comly, Cooper, Jacobs, Kanouse, Mills, O'Grady, Settle, Wallace—9.

Noes—Batten, Blake, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Malony, Mantle, McAdow, Wright, Mr. Speaker—13.

Absent—Armstrong, Baker—2.

Comly moved to amend the motion of Mantle by referring the bill to a select committee consisting of five.

Mantle moved the previous question.

The question being put, "Shall the previous question be now put?" the previous question was ordered.

The amendment of Comly was lost.

The motion of Mantle to refer the bill to the Committee on Elections was lost by the following vote:

Ayes—Blake, Clutter, Edwards, Erwin, Forbis, Hickman, Malony, Mantle, McAdow, Wright—10.

Noes—Allen, Batten, Comly, Cooper, Dean, Jacobs, Kanouse, Mills, O'Grady, Settle, Wallace, Mr. Speaker—12.

Absent—Armstrong, Baker—2.

Mantle moved to refer the bill to the Committee on Towns and Counties.

Comly moved to amend by the House proceeding with the regular order of business.

Amendment lost by the following vote:

Ayes—Allen, Comly, Cooper, Dean, Jacobs, Kanouse, Mills, Settle, Wallace, Mr. Speaker—10.

Noes—Batten, Blake, Clutter, Edwards, Erwin, Forbis, Hickman, Malony, Mantle, McAdow, O'Grady, Wright—12.

Absent—Armstrong, Baker—2.

Kanouse moved to take a recess until 2 P. M. Motion lost.

The motion of Mantle to refer the bill to the Committee on Towns and Counties was carried.

H. B. No. 120 was lost by the following vote:

Ayes--Cooper, Edwards, Erwin, Forbis, Malony, Mantle, McAdow, Wallace, Wright--9.

Noes---Allen, Batten, Blake, Clutter, Comly, Dean, Hickman, Jacobs, Kanouse, Mills, O'Grady, Settle, Mr. Speaker---13.

Absent---Armstrong, Baker---2.

The following report was received:

Mr. Speaker :

Your Committee of Conference on H. B. No. 73, "An Act to apportion the members of the Legislative Assembly," have met the Committee on the part of the Council, and have unanimously agreed to recommend that the bill pass with the following amendments, reference being had to the printed bill:

1. Make the sixth line of Section 1 read as follows: "All territory embraced within the limits of Gallatin County on March 3d, 1883, one member."

2. Make ninth line of Section 1 read: "Dawson and Yellowstone Counties jointly, one member."

3. Amend Sec. 2 as follows: In fourth line, strike out word "three" and insert "two."

4. Insert between fourth and fifth lines the following: "Yellowstone County, one member."

5. Make the eighth line read as follows: "All territory embraced within the limits of Gallatin County on March 3d, 1883, three members."

H. R. COMLY,
R. O. HICKMAN,
JOHN F. FORBIS.

Committee on part of the House.

On motion of Comly H. B. No. 73, with report of Joint Committee thereon, was made a Special Order for 3 p. m. to-day.

The Speaker announced that he had signed H. B's. Nos. 79, 90 and 111.

On motion of O'Grady the House took a recess until 2 p. m.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.
Absent on leave, Armstrong, Baker.

The following report was received:

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that H. B's. Nos. 60, 81 and 102, and H. J. R. No. 9, were presented to the Governor for his approval on March 3, 1883, at 12:30 P. M.

BLAKE.

H. B. No. 82 was read a third time, and passed by the following vote:

Ayes---Allen, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, McAdow, Mills, Settle, Wright, Mr. Speaker---19.

Noes---None.

Absent---Armstrong, Baker, Mantle, O'Grady, Wallace---5.

Title agreed to.

On motion of Blake the rules were suspended, H. B. No. 86 was read a third time by title, and passed by the following vote:

Ayes---Allen, Batten, Blake, Comly, Cooper, Dean, Edwards, Erwin, Jacobs, Kanouse, McAdow, Mills, Settle, Wright, Mr. Speaker---15.

Noes---Clutter, Forbis, Hickman, Mantle---4.

Absent---Armstrong, Baker, Malony, O'Grady, Wallace---5.

Title agreed to.

H. B. No. 109 was read a third time, and passed by the following vote:

Ayes---Allen, Batten, Blake, Comly, Cooper, Dean, Edwards, Erwin, Malony, Mills, Settle, Wright---12.

Noes---Clutter, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, Mr. Speaker---8.

Absent---Armstrong, Baker, O'Grady, Wallace---4.

Title agreed to.

H. B. No. 94 was read a third time, and passed by the following vote:

Ayes---Allen, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, Settle, Wallace, Wright, Mr. Speaker---21.

Noes---None.

Absent---Armstrong, Baker, O'Grady---3.

Title agreed to.

The Speaker announced that he had signed C. B. No. 30 and H. B. No. 88.

C. B. No. 28 was read a third time, and passed by the following vote:

Ayes—Allen, Blake, Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, McAdow, Mills, Settle, Wallace, Wright, Mr. Speaker—17.

Noes—Malony, Mantle, O'Grady—3.

Absent—Armstrong, Baker, Batten, Comly—4.

Title agreed to.

On motion of Blake the rules were suspended, C. B. No. 23 was read a third time by title, and passed by the following vote:

Ayes—Allen, Blake, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, Settle, Wallace, Wright—17.

Noes—Comly, O'Grady, Mr. Speaker—3.

Absent—Armstrong, Baker, Batten, Clutter—4.

Title agreed to.

C. B. No. 32 was read a third time, and lost by the following vote:

Ayes—None.

Noes—Allen, Batten, Blake, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—21.

Absent—Armstrong, Baker, Clutter—3.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Mantle in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that Council bills numbered 23 and 36, and Council joint memorial No. 7 have been correctly enrolled, and are herewith presented to the Speaker of the House for his signature.

BLAKE.

The following communication was received:

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, M. T., March 5th, 1883.

To the House of Representatives :

GENTLEMEN: I have the honor to inform you that I have this day approved the following House bills:

House bill No. 60, "An Act concerning assessments upon the stock of corporations."

House bill No. 81, "An Act to prevent the carrying of deadly weapons," and

House bill No. 102, "An Act to amend an Act entitled an Act to incorporate the City of Virginia, approved Dec. 30th, 1864." Also,

House Joint Resolution No. 9, "Making appropriation for the Law Division of Montana Library."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

The Speaker announced that he had signed C. B's. Nos. 23 and 36, and C. J. M. No. 7.

On motion of O'Grady the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

FIFTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 6, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the Chair.

Roll called—quorum present.

Absent on leave, Armstrong, Baker.

Prayer by the Chaplain.

Journal of fifty-seventh day read and approved.

The following reports were received:

Mr. Speaker :

Your Committee on Ways and Means to whom were referred C. B. No. 22, have had the same under advisement, and report it back with recommendation it do pass.

SETTLE,
Chairman.

Mr. Speaker :

Your Committee on Ways and Means, to whom was referred C. B. No. 47, have had the same under consideration and report it back with recommendation it do pass.

SETTLE,
Chairman.

Mr. Speaker :

Your Committee on Ways and Means, to whom were referred H. B. No. 99, have had the same under consideration and report it back with recommendation it do pass.

SETTLE,
Chairman.

Mr. Speaker :

Your Committee on Ways and Means, to whom were referred C.

B. No. 21, have had the same under consideration, and report it back without recommendation.

SETTLE,
Chairman.

Mr. Speaker:

Your Joint Committee on enrollment beg leave to report that C. B's Nos. 23 and 36 were presented to the Governor for his approval on March 5, 1883, at 8 P. M.

BLAKE.

Mr. Speaker:

Your Joint Committee on enrollment beg leave to report that H. B's Nos. 88, 90 and 111, and Council bill No. 30, were presented to the Governor for his approval on March 5, 1883, at 5 P. M.

BLAKE.

Mr. Speaker:

Your Committee on the Judiciary herewith reports House bill No. 98 without amendment. Also, House bill No. 97 with accompanying amendment and recommends that said bills do pass. Your Committee also reports House bill No. 114, and Council bill No. 48, and recommends that said bills do not pass.

FORBIS.

Mr. Speaker:

Your Committee on the Judiciary herewith reports House bill No. 95, also, Council bill No. 12, without recommendation.

FORBIS.

Mr. Speaker:

Your Committee on Internal Improvements, to whom was referred House bill No. 103, for "An Act to encourage the construction of Artesian Wells in the Territory of Montana," hereby report the same back to the House with recommendation that it do not pass.

JACOBS,
Chairman.

Mr. Speaker:

Your Committee on Education and Labor, to whom was referred House bill No. 50, "An Act relating to the public schools," herewith report the same back without recommendation.

BATTEN, Chairman.

Council bills 48, 21, and 12, and House bills 50, 95, 103, 114 and 99, were placed on the General Orders for the consideration of the Committee of the Whole.

On motion of Forbis the rules were suspended and Council bill No. 47 placed on the calendar for a third reading.

On motion of Blake the amendments offered by the Judiciary

Committee to House bill No. 97 were adopted and the bill ordered engrossed.

On motion the rules were suspended and House bill No. 98 was ordered engrossed.

H. J. M. No. 8, introduced by the Committee on mines and minerals, concerning the charges on silver coinage and the silver interest, was read first and second times, the rules suspended, the memorial was considered engrossed, read a third time by title and passed by the following vote:

Ayes---Allen, Clutter, Comly, Forbis, Hickman, Jacobs, Kanouse, Malony, Mills, O'Grady, Settle, Wright, Mr. Speaker---13.

Noes---Batten, Blake, Cooper, Dean, Edwards, Erwin, Mantle, McAdow, Wallace -9.

Absent---Armstrong, Baker---2.

Title agreed to.

The following reports were received:

Mr. Speaker:

Your Committee on Mines and Minerals, to whom was referred the Governor's special message of February 28th, 1883, transmitting without recommendation to the Legislative Assembly the communication to him of date February 20th, 1883, from the Hon. J. W. Adams, Governor of the State of Nevada, concerning silver coinage and the interests of silver mining, and enclosing a copy of the memorial passed by the Legislative Assembly of the State of Nevada to the Congress of the United States, respectfully report that they have duly considered the same, and recommend that a memorial similar to it be adopted by this Legislative Assembly, simply changing the wording so as to apply to Montana. A copy of such memorial is herewith reported for the reason that they, your Committee, believe that the charges upon such industry, made by the Government, should be paid by the Government in the interest of trade, and as the only means of fostering this industry so necessary to supply a circulating medium for our country, and to enable it to hold financially its present high standard among the nations of the earth.

Respectfully submitted,

O'GRADY, Chairman.

Mr. Speaker:

Your Committee on Towns and Counties, to whom was referred Council bill No. 37, would respectfully refer the same back to the House recommending its passage.

MCADOW,
MALONY.

Mr. Speaker:

A minority of your Committee on Towns and Counties have con-

sidered Council bill No. 37, "An Act to provide for the levy and collection of street taxes in incorporated towns and cities," and are of opinion that the provision exempting residents of towns from payment of any other road tax than the one in this Act provided for, and which is to be expended within the limits of the town, would work an injustice upon all other tax-payers of the road district residing outside the limits of any such town, in this, that it would often be the case that three-fourths or more of the bridges and places needing repair would be outside the limits of the town, on roads leading to it, yet if three-fourths of the tax-payers of the district reside within the town limits the cost of this three-fourths of the work to be done would all fall on the one-fourth of the tax-payers of the district outside the town limits. We believe the road taxes now provided for are, as a rule, sufficient to keep in repair the roads in the district, including those in towns, and that this bill, unless modified, should not pass.

KANOUSE,
ALLEN.

Kanouse offered the following amendment:

Strike out all of Section 3 after word "Treasurer," line 18, and insert "and so much of said thirty per cent as may be necessary shall be apportioned to the road district in which such town or city is situated, to be expended on roads of said district outside of town limits, and the surplus, if any shall be, for the credit of the general road fund."

Council bill No. 37, with reports of Committee thereon, and the amendment of Kanouse, were placed on the General Orders for the consideration of the Committee of the Whole.

The following communication was received:

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, M. T., March 5, 1883.

To the House of Representatives:

GENTLEMEN: I have the honor to inform you that I have this day approved House bill No. 79, "An Act to prevent the spread of contagious diseases among sheep." House bill No. 88, "A bill for an Act to amend Section 13, of the Fifth Division of the Revised Statutes of Montana relating to diseased animals." House bill No. 90, "An Act to prevent the illegal killing of cattle," and House bill No. 111, "An Act to provide for the establishment of Free Public Libraries."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,

Governor.

The following report was received:

Mr. Speaker :

Your Committee of Conference on House bill No. 28, "An Act to amend Section 1051 of the Fifth Division of the Revised Statutes of Montana," appointed to act in conjunction with the Committee on the part of the Council, respectfully report that they have met their co-committee and have duly considered the same, and having failed to agree upon said amendment, or to any amendment thereof, have agreed to disagree with the Council Committee, and recommend that the House insist on its non-concurrence to the amendments of the Council.

COMLY,
KANOUSE.

On motion of Comly the House insisted that the Council recede from its amendments to House bill No. 28.

The following communication was received :

COUNCIL CHAMBER,
Helena, M. T., March 5, 1883.

Mr. Speaker :

I have the honor to inform you that the following bills and joint memorial have been introduced by unanimous consent, without previous notice, to wit :

By Bass, C. B. No. 55, "A bill for an Act to permanently fix and determine the boundary line of Deer Lodge County, dividing the line of said County from the County of Missoula, and to provide for the appointment of Commissioners therefor."

By Cardwell, C. B. No. 56, "A bill relative to the boundary line of Silver Bow County."

By Mitchell, C. B. No. 57, "An Act to amend Article 1, Chapter XXVI, of the Fifth Division of the Revised Statutes of Montana for the protection of game, fur-bearing animals and fish." Also,

C. B. No. 58, "An Act to amend Sections 71 and 77 of the Fifth Division, General Laws, Revised Statutes of Montana."

By Hamilton, C. B. No. 59, "An Act to change the name of William Kipp to the name of William Upham."

By Thomas, C. J. M. No. 8, pertaining to the boundaries of the Yellowstone National Park.

That Council recedes from amendments to House bill No. 105 so far as requested by the House.

That Council concurs in House amendments to Council bills Nos. 23 and 28, and refuses to concur in House amendments to C. B. No. 6, and respectfully asks a Committee of Conference relative to the same, and that the president has appointed as such Committee on the part of the Council Messrs. Mitchell and White.

That Council declines to recede from its amendment to H. J. R. No. 2; that the following, to wit : H. B. No. 66, as amended, C. B. Nos. 55 and 56, C. J. M. No. 8, H. B. No. 70, substitute for H. B. No. 25,

C. B. No. 59, substitute for House bill No. 4, House bills Nos. 96, 49, as amended, 72, 61, 40 as amended, and 106, Council bill No. 53 and House bill No. 113 have passed and are herewith transmitted. That House bills Nos. 37, 83 and 45 have been lost and are also transmitted.

JAMES B. WELLS.
Chief Clerk.

Hickman moved that the House concur in Council amendments to H. J. R. No. 2.

Comly moved to amend by asking the Council to recede and for the appointment of a Committee of Conference. Amendment lost by the following vote:

Ayes—Batten, Comly, McAdow, Mills, O'Grady, Mr. Speaker---6.

Noes---Blake, Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, Settle, Wallace, Wright 15.

Absent---Allen, Armstrong, Baker---3.

Comly moved a call of the House.

A call was had; absent, Allen.

The absentee having appeared in his seat a further call was dispensed with.

The motion of Hickman prevailed by the following vote:

Ayes---Allen, Blake, Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, Settle, Wallace, Wright- -16

Noes- -Batten, Comly, McAdow, Mills, O'Grady, Mr. Speaker---6.
Absent—Armstrong, Baker—2.

H. J. R. No. 2 was ordered enrolled.

Blake moved to concur in Council amendments to H. B. No. 49.

Forbis moved to amend by placing the bill on the General Orders for the consideration of the Committee of the Whole.

Batten moved an amendment to the amendment that the House refuse to concur and respectfully ask the Council to recede.

The amendment to the amendment prevailed by the following vote:

Ayes—Allen, Batten, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, Mills, Wallace, Mr. Speaker—13.

Noes—Blake, Clutter, Comly, Cooper, McAdow, O'Grady, Settle, Wright—8.

Absent—Armstrong, Baker, Kanouse—3.

The Speaker announced that he had signed House bills 70, 61, 25, 96, 66, 72, 113, 106 and 4. Also, Council bill 28.

On motion of Cooper the House took a recess until 2 p. m.

2 p. m.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Armstrong, Baker.

The following report was received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that House bills numbered 72, 25, 106, 113, 96, 70 and 4, and Council bills Nos. 28 and 19, and H. J. R. No. 2 have been correctly enrolled and are herewith presented to the Speaker of the House for his signature.

BLAKE.

The following communications were received:

COUNCIL CHAMBER,
Helena, M. T., March 6, 1883.

Mr. Speaker:

I have the honor to inform you that Stuart, by unanimous consent, without previous notice introduced C. B. No. 61, "A bill for an Act to provide a fish-breeding establishment," that H. B. No. 117 as amended has passed and is herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

COUNCIL CHAMBER,
Helena, M. T., March 6, 1883.

Mr. Speaker:

I have the honor to inform you that Chessman, by unanimous consent, without previous notice, introduced C. B. No. 60, "A bill for an Act to amend an Act exempting certain persons from Jury," ap-

proved February 19, 1881. That C. B. No. 60 has passed the Council and is herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

On motion of Mantle the House refused to concur in Council amendments to H. B. 66, and respectfully asked the Council to recede.

On motion of Comly the House refused to concur in Council amendments to House bill No. 40, and asked for a Committee of Conference. The Chair appointed as such Committee on the part of the House Messrs. Allen, Clutter and Comly.

On motion of Blake the House concurred in Council amendments to House bill No. 117, and the bill was ordered enrolled.

The following reports were received:

Mr. Speaker :

Your Committee on Towns and Counties, to whom was referred House bill No. 119, "A bill for an Act to change the seat of Government of the Territory of Montana," have had the same under consideration and would respectfully report the same back and recommend that it do pass.

McADOW,
Chairman.

Mr. Speaker :

Your Committee on Towns and Counties, to whom was referred House bill 119, an "Act to change the seat of Government of the Territory of Montana," have considered said bill and the undersigned members of said Committee recommend that the further consideration of this bill be indefinitely postponed.

KANOUSE,
ALLEN.

On motion of Comly H. B. No. 119 was indefinitely postponed by the following vote:

Ayes---Allen, Batten, Comly, Cooper, Dean, Jacobs, Kanouse, Malony, Mills, Settle, Wallace---11.

Noes---Blake, Clutter, Edwards, Erwin, Forbis, Hickman, Mantle, McAdow, O'Grady, Mr. Speaker---10.

Absent---Armstrong, Baker, Wright---3.

The following report was received:

Mr. Speaker :

Your Committee of the Whole, having under consideration H.

B. No. 76, "An Act to provide for the levy and collection of taxes upon the property of Railroad companies in this Territory," have instructed me to report the same back with accompanying amendments and the recommendation that it do not pass.

MANTLE,
Chairman.

Forbis moved that the consideration of H. B. No. 76 be made a Special Order for 11:30 p. m. on Thursday next. Comly moved to lay that motion on the table; motion lost.

Comly moved to amend by making it a Special Order for 4 p. m. to-day. Mantle moved to lay that motion on the table.

Batten moved a call of the House.

A call was had; absent, Kanouse.

On motion of Batten a further call was dispensed with.

On motion of Allen H. B. No. 76 was made a Special Order for 11 A. M. to-morrow.

The following report was received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that H. B's. Nos. 4, 25, 70, 113 and 106, and C. B. No. 28, were presented to the Governor for his approval on March 6, 1883, at 2:15 p. m.

BLAKE.

The following communications were received:

COUNCIL CHAMBER,
Helena, M. T., March 6, 1883.

Mr. Speaker:

I have the honor to inform you that Hamilton, by unanimous consent, without previous notice, introduced C. J. M. No. 7, "In reference to maps of Montana Territory."

That the Council refuses to recede from its amendments to H. B's. Nos. 49 and 28, and respectfully insists upon its amendments.

JAMES B. WELLS,
Chief Clerk.

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, M. T., March 6th, 1883.

To the House of Representatives:

GENTLEMEN: House bill No. 25, entitled "An Act in relation to

printing," is herewith respectfully returned without my signature for the following reasons:

The bill proposes to increase the compensation for public printing, and to change a contract entered into between the Territory and printing contractors. If the proposition were made to diminish the payment agreed on, under said contract, which has yet nearly ten months to run, there would be a grave outcry as to the obligations of contracts. But we must recollect that the Territory is not an abstraction. The Territory is a body of tax-paying citizens who must suffer by any change of contract that compels them to pay more than they have agreed to pay.

There seems to be no reason for this change of the present contract, especially as rates of labor may be expected to assimilate to those of the older communities under the rapid settlement of the Territory. The chief compensation that Montana can obtain for conferring a monopoly of printing is in the cheapness of the service, and I understand that other printers stand ready to do the public printing at rates lower than the bill proposes to pay, and even than those which the present contract provides. The radical defect in the bill, to the possible injury of the tax payers, lies also in the ambiguity of the words "plain composition," which may mean solid, leaded, or double leaded matter, to the possible great profit of the contractor. If the rates at the expiration of the contract do not suit the contractor, he has the option of not continuing said obligation after the expiration of the present contract, i. e., January 1st, 1884. Without specifying further, I feel constrained in the interests of economy to return the bill unsigned, as, in my opinion, injurious to the interests of one of the parties to the existing contract, the tax-paying citizens of the Territory.

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

On motion of Mantle the vote by which H. B. No. 25 passed the House was reconsidered.

The question being put, "Shall this bill pass, the objections of the Governor to the contrary notwithstanding?" the bill was lost by the following vote:

Ayes—Allen, Batten, Comly, Jacobs, Kanouse, Malony, McAdow, Mills, O'Grady, Settle, Mr. Speaker—11.

Noes—Blake, Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Mantle, Wallace, Wright—11.

Absent—Armstrong, Baker—2.

The following report was received:

Mr. Speaker:

Your Committee of the Whole having under consideration H. B. No. 73 have instructed me to report the same back, with accompany-

ing amendments, and the recommendation that it do pass as amended.

MANTLE,
Chairman.

Comly moved to adopt the amendments offered by the Committee of the Whole.

On motion of Blake the amendments offered to Section 1 of the bill were adopted.

On motion of Blake that portion of the amendments allowing Yellowstone County one member were adopted.

On motion of Blake all that portion of the amendments referring to "all that portion of territory embraced in Gallatin County on March 3d, 1883," were adopted.

Blake moved the following as an amendment to an amendment:
I move to amend the amendment to Section 2, line 10, printed bill, by striking out "three," and inserting in lieu thereof "two," and add to the section the following:

The Counties of Lewis and Clarke and Jefferson, one member; the Counties of Madison and Beaver Head, one member; and strike out in line 11 "two" and insert "one" in lieu thereof.

Comly moved to lay the amendment to the amendment on the table. Motion lost by the following vote:

Ayes—Allen, Batten, Comly, Cooper, Mills, O'Grady, Settle, Wallace—8.

Noes—Blake, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Wright, Mr. Speaker—14.

Absent—Armstrong, Baker—2.

Comly moved to adjourn. Motion lost by the following vote:

Ayes—Allen, Comly, Cooper, Malony, Mills, Wallace—6.

Noes—Batten, Blake, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, O'Grady, Settle, Wright, Mr. Speaker—16.

Absent—Armstrong, Baker—2.

Mantle moved the previous question.

Comly moved to adjourn. Motion lost by the following vote:

Ayes—Allen, Comly, Cooper, Malony, Mills, O'Grady, Wallace—7.

Noes—Batten, Blake, Clutter, Dean, Edwards, Erwin, Forbis.

Hickman, Jacobs, Kanouse, Mantle, McAdow, Settle, Wright, Mr. Speaker---15.

Absent---Armstrong, Baker---2.

The amendment to the amendment offered by Blake was adopted by the following vote:

Ayes-- Blake, Clutter, Comly, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, McAdow, Wright, Mr. Speaker---14.

Noes---Allen, Batten, Cooper, Kanouse, Mills, O'Grady, Settle, Wallace---8.

Absent---Armstrong, Baker---2.

Comly gave notice that at 10:30 A. M. to-morrow he would move to reconsider the vote.

Mantle moved to reconsider the vote by which the amendment to the amendment was adopted.

Blake moved to lay the motion to reconsider on the table.

Comly moved to adjourn. Motion lost by the following vote:

Ayes--Allen, Comly, Cooper, Mills---4.

Noes---Batten, Blake, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, O'Grady, Settle, Wallace, Wright, Mr. Speaker---18.

Absent---Armstrong, Baker---2.

Allen moved to take a recess until 7 P. M. Motion lost.

The motion to lay the motion to reconsider on the table prevailed by the following vote:

Ayes—Blake, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, McAdow, Wright, Mr. Speaker—13.

Noes—Allen, Batten, Comly, Cooper, Kanouse, Mills, O'Grady, Settle, Wallace—9.

Absent—Armstrong, Baker—2.

On motion of Forbis the amendment as amended was adopted, and H. B. No. 73 was ordered engrossed.

The following communications were received:

TERRITORY OF MONTANA, EXECUTIVE OFFICE.
Helena, M. T., March 6th, 1883.

To the House of Representatives:

GENTLEMEN: I have the honor to inform you that I have this day

approved House bill No. 70, "An Act to authorize County Commissioners to issue bonds to redeem outstanding indebtedness."

House bill No. 106, "An Act to punish persons for unlawfully diverting water."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, M. T., March 6th, 1883.

To the House of Representatives :

GENTLEMEN: House bill No. 113, entitled "A bill relative to insane persons," is respectfully returned without my signature for the following reasons:

Insanity, according to the testimony of physicians, is increasing, and is not all confined to the indigent. The bill might, ere long, impose an unexpected burden on the tax-payers. While, in my opinion, the proper keeping of the insane may make it eminently just that no person adjudged insane should be refused admission on some equitable terms of contribution to the asylum, provided by Territorial laws, justice to the tax-payers compels me to think that the expense of supporting those whose property or families can defray their charges should not be thrown on the public. Confinement may be essential to public safety, but I deem that the duty of Territorial expenditure for charity is limited to the destitute.

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

On motion of Allen the vote by which H. B. No. 113 passed was reconsidered.

The question being put, "Shall this bill pass, the objections of the Governor to the contrary notwithstanding?" the bill passed by the following vote:

Ayes --Batten, Clutter, Comly, Dean, Edwards, Forlis, Hickman, Kanouse, Malony, Mantle-, Mills, O'Grady, Settle, Wright, Mr. Speaker---15.

Noes---Allen, Blake, Cooper, Erwin, Jacobs, McAdow, Wallace---7.

Absent---Armstrong, Baker---2.

The following reports were received:

Mr. Speaker :

Your Committee of the Whole having under consideration H. B. No. 107, "A bill for an Act authorizing certain assessments to be

made in Deer Lodge County," also C. B. No. 44, "A bill for an Act to provide for the payment of board of Territorial convicts in County jails," have instructed me to report the same back with the recommendation that they do pass.

MANTLE.

Chairman.

On motion of Mantle the rules were suspended, H. B. No. 107 was considered engrossed, and placed on the calendar for a third reading.

Settle introduced H. B. No. 121, "An Act concerning witnesses."

On motion of Blake the rules were suspended, C. B. No. 45, "An Act to incorporate the City of Fort Benton," was read first and second times by title. On motion of Mantle the rules were suspended, the bill read a third time by title, and passed by the following vote:

Ayes—Batten, Comly, Cocper, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, Mills, Settle, Wallace, Wright, Mr. Speaker—16.

Noes—Allen, Blake—2.

Absent—Armstrong, Baker, Clutter, Dean, Malony, O'Grady—6.
Title agreed to.

C. B. No. 60, "A bill for an Act to amend an Act exempting certain persons from jury duty, approved February 19th, 1881," was read first and second times, and, on motion of Allen, was referred to the Committee on Indian Affairs.

C. B. No. 56, "A bill relative to the boundary line of Silver Bow County," was read first and second times, and, on motion of Hickman, the rules were suspended, the bill was read a third time by title, and passed by the following vote:

Ayes—Allen, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Mr. Speaker—19.

Noes—None.

Absent—Armstrong, Baker, Jacobs, Malony, Wright—5.

Title agreed to.

C. J. M. No. 8, "Pertaining to the boundaries of the Yellowstone Park," was read first and second times, and, and, on motion of Forbis, the rules were suspended, the memorial read a third time by title, and passed by the following vote:

Ayes—Allen, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Mr. Speaker—19.

Noes—None.

Absent—Armstrong, Baker, Jacobs, Malony, Wright—5.
Title agreed to.

The Speaker announced that he had signed H. B. No. 72, H. J. R. No. 2, and C. B. No. 19.

On motion of Comly the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

FIFTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 7th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Armstrong, Baker—2.

Prayer by the Chaplain.

Journal of fifty-eighth day read and approved.

On motion of Comly the rules were suspended, Council bill No. 37 was taken from the General Orders.

On motion of Comly the House adopted the amendment offered by Kanouse to the bill.

On motion of Comly the rules were suspended, the bill read a third time and passed by the following vote:

Ayes---Allen, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker---20.

Noes---None.

Absent-- Armstrong, Baker, Batten, Settle---4.

Title agreed to.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., March 6, 1883.

Mr. Speaker:

I have the honor to inform you that the vote by which House bill No. 8 had passed was reconsidered, and the question being then

put, "Shall this bill pass, the objections of the Governor to the contrary notwithstanding?" the bill was lost.

That the President has appointed as the Committee of Conference on the part of the Council, relative to House bill No. 40, Messrs. Hamilton, White and Cardwell.

That the Council insists upon its amendments to House bill No. 66, and respectfully declines to recede therefrom.

That House bills Nos. 8, 40 and 66 are retransmitted.

JAMES B. WELLS,
Chief Clerk.

On motion of Comly the House insisted on the Council receding from its amendments to House bill No. 66, and asked for a Committee of Conference.

The Chair appointed as such Committee on the part of the House Comly, Jacobs, Malony.

C. B. No. 53, "An Act to authorize the Supreme Court to employ a janitor, and to prescribe his duties," was read first and second times, and referred to the Committee on Judiciary.

C. B. No. 46, "A bill for an Act to amend the Code of Civil Procedure of the Territory of Montana," was read first and second times, and, on motion of Comly, the rules were suspended, the bill read a third time by title, and passed by the following vote:

Ayes—Allen, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker—21.

Noes—None.

Absent—Armstrong, Baker, Settle—3.

Title agreed to.

C. B. No. 55, "A bill for an Act to permanently fix and determine the boundary line of Deer Lodge County, dividing the line of said County from the County of Missoula, and to provide for the appointment of Commissioners therefor," was read first and second times, and, on motion of Batten, the rules were suspended, the bill was read a third time and passed by the following vote:

Ayes—Allen, Batten, Blake, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker—19.

Noes—None.

Absent—Armstrong, Baker, Clutter, Comly, Settle—5.

Title agreed to.

C. B. No. 59, "An Act to change the name of William Kipp to Wm. Upham," was read first and second times.

Hickman moved to amend by striking out the word "Upham" and inserting "Calf." Amendment lost.

On motion of Settle the rules were suspended, the bill read a third time by title, and passed by the following vote:

Ayes---Allen, Batten, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker---19.

Noes---Blake- -1

Absent---Armstrong, Baker, Clutter, Jacobs---4.

Title agreed to.

The following reports were received :

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that Council bills Nos. 45 and 56, and C. J. M. No. 8, have been correctly enrolled, and are herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker :

Your Committee on Engrossment have examined House bill No. 97, "A bill for an Act to amend the Code of Civil Procedure," and herewith report the same correctly engrossed.

MANTLE,

Chairman.

Mr. Speaker :

Your Committee on Engrossment having examined H. B. No. 73, "An Act to apportion the members of the Legislative Assembly," herewith report the same correctly engrossed.

MANTLE,

Chairman.

H. B. No. 76 was taken up.

Blake offered the following amendments:

Add the following section:

Sec. 7. This Act shall not be construed to be a contract upon the part of the Territory, and the same, or any part thereof, may be repealed or amended by any Legislative Assembly of this Territory.

Strike out in line 8, Section 1, the words, "that is to say," and insert the following: "and which shall include the proper percentage of such gross earnings upon all freight and passengers conveyed through this Territory to places not within this Territory."

Comly moved to adopt the amendments. Motion lost by the following vote:

Ayes---Allen, Batten, Blake, Comly, Hickman, Jacobs, Kanouse, Malony, McAdow, Wright---10.

Noes---Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Mantle, Mills, O'Grady, Settle, Wallace, Mr. Speaker---12.

Absent---Armstrong, Baker---2.

On motion of Forbis the bill was indefinitely postponed by the following vote:

Ayes---Allen, Batten, Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Mantle, Mills, O'Grady, Settle, Wright, Mr. Speaker---14.

Noes---Blake, Comly, Hickman, Jacobs, Kanouse, Malony, McAdow, Wallace---8.

Absent---Armstrong, Baker---2.

House bill No. 121 was read first and second times and referred to the Committee on the Judiciary.

The Speaker announced that he had signed C. J. M. No. 8, C. B. 56 and C. B. 45.

On motion of Hickman the rules were suspended, H. B. 107 was read a third time by title and passed by the following vote:

Ayes---Allen, Batten, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Hickman, Malony, McAdow, O'Grady, Wallace, Mr. Speaker---14.

Noes---Blake, Forbis, Kanouse, Mantle, Settle, Wright---6.

Absent---Armstrong, Baker, Jacobs, Mills---4.

Title agreed to.

H. B. No. 97 was read a third time, and passed by the following vote:

Ayes---Allen, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker---21.

Noes---None.

Absent---Armstrong, Baker, Jacobs---3.

Title agreed to.

H. B. No. 73 was read a third time, and passed by the following vote:

Ayes---Allen, Batten, Blake, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, O'Grady, Settle, Wright, Mr. Speaker---18.

Noes---Comly, Cooper, Mills, Wallace---4.

Absent---Armstrong, Baker---2.

Title agreed to.

The following communication was received :

COUNCIL CHAMBER,
Helena, M. T., March 7, 1883.

Mr. Speaker :

I have the honor to transmit to your honorable body H. B. No. 49 properly endorsed.

JAMES B. WELLS,
Chief Clerk.

On motion of Kanouse the House insisted that the Council recede from its amendments to H. B. No. 49, and asks for a Committee of Conference.

The Chair appointed as such Committee on the part of the House Kanouse, Comly and Edwards.

The following report was received :

Mr. Speaker :

Your Committee, to whom was referred C. B. No. 60, "A bill to amend Section 781 of the Fifth Division of the Revised Statutes of Montana Territory," would respectfully report the bill back with the following amendment :

Strike out all after the enacting clause and insert the accompanying amendment.

ALLEN,
Chairman.

On motion of Comly the amendments were adopted and ordered engrossed.

The following reports were received :

Mr. Speaker :

Your Committee on the Judiciary herewith reports C. B. No. 53, with accompanying amendments, and recommends as so amended said bill do pass.

FORBIS.

Mr. Speaker :

Your Committee on Grazing and Stock Growing would respectfully report C. B. No. 34 back to the House, recommending the following amendment.

McADOW,
Chairman.

On motion of Blake the amendments offered by the Judiciary Committee to C. B. No. 23 were adopted, the rules were suspended.

the bill considered engrossed, and placed on the calendar for a third reading.

On motion of Comly the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Armstrong, Baker.

The following report was received:

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that H. J. R. No. 2, H. B's Nos. 72 and 96, and C. B's. Nos. 19, 45 and 56 were presented to the Governor for his approval on March 7, 1883, at 12:15 P. M.

BLAKE.

McAdow moved to adopt the amendments offered by the Committee on Towns and Counties to Council bill No. 34.

Motion lost by the following vote:

Ayes --Dean, Edwards, Erwin, Hickman, McAdow, Mills, Settle, Mr. Speaker --8.

Noes---Allen, Batten, Blake, Clutter, Comly, Cooper, Fortis, Jacobs, Kanouse, Mantle-, O'Grady, Wallace, Wright--13.

Absent---Armstrong, Baker, Malony--3.

The bill was placed upon the General Orders for the consideration of the Committee of the Whole.

The following communications were received :

COUNCIL CHAMBER,
Helena, M. T., March 7, 1883.

Mr. Speaker:

I am instructed by the Council to request from your honorable body the return of H. B. No. 85, the vote by which said bill had been lost in this body having been reconsidered.

JAMES B. WELLS,
Chief Clerk.

COUNCIL CHAMBER,
Helena, M. T., March 7, 1883.

Mr. Speaker :

I have the honor to inform you that H. B. No. 52, as amended, has passed the Council and is transmitted.

JAMES B. WELLS,
Chief Clerk.

On motion of Hickman the House concurred in Council amendments to H. B. No 52, and the bill was ordered enrolled.

The following report was received:

Mr. Speaker:

Your Committee of Conference appointed to consider Council amendments to House bill No. 40, have had the same under consideration and beg leave to make the following report: That having conferred with the Committee of the Council and ascertained that the bill cannot pass the Council unless the House concur in Council amendments, and believing as we do that such a law is necessary and ought to pass at this session of the Legislature, your Committee therefore recommend that the House concur in Council amendments.

ALLEN, of House Committee.

HAMILTON, of Council Committee.

On motion of Forbis the House concurred in Council amendments to House bill No. 40, and the bill was ordered enrolled.

The following report was received:

Mr. Speaker:

Your Judiciary Committee have considered House bill No. 121, and herewith reports an amendment to the same, which it recommends be adopted, and your Committee makes no recommendation relative to the passage of such bill.

FORBIS.

On motion of Comly the amendments reported by the Judiciary Committee to House bill No. 121 were adopted and the bill was ordered engrossed.

The following communication was received:

COUNCIL CHAMBER.

Helena, M. T., March 7, 1883.

Mr. Speaker:

I have the honor to inform you that the following, to wit: House bills Nos. 109, 118 and 94, substitute for House bill No. 82, Council bills Nos. 51 and 57 have passed and are herewith transmitted.

That Council bill No. 58 has been lost; that House bill No. 78 has also been lost, and is transmitted.

JAMES B. WELLS,

Chief Clerk.

House bills Nos. 118, 109, 94, 82 and 84 were ordered enrolled.

The following report was received:

Mr. Speaker :

Your Engrossment Committee have examined House bill No. 98. "An Act to provide for the rights of property levied upon claimed by third parties and others," also amendments to Council bill No. 60. "A bill for an Act to amend an Act entitled an Act exempting certain persons from jury duty, approved February 19th, 1881," and herewith report them correctly engrossed.

MANTLE.

Chairman.

Mantle offered the following amendment to Council bill No. 60:

Insert in line 6 of the amendment, after the words "practicing physicians," the word "editors."

The amendment was adopted by the following vote:

Ayes—Batten, Blake, Clutter, Dean, Edwards, Erwin, Forbis, Jacobs, Mantle, McAdow, O'Grady, Settle, Wallace—13.

Noes—Allen, Comly, Cooper, Hickman, Kanouse, Mills, Wright, Mr. Speaker—8.

Absent—Armstrong, Baker, Malony—3.

Mills offered the following amendment:

Exempt farmers from the provisions of the bill.

The amendment was lost.

On motion of Comly the rules were suspended, the amendments to Council bill No. 60 were considered engrossed, the bill read a third time, and passed by the following vote:

Ayes---Allen, Batten, Clutter, Comly, Edwards, Forbis, Hickman, Jacobs, Mantle, Settle, Wallace, Mr. Speaker---12.

Noes---Blake, Cooper, Dean, Erwin, Kanouse, McAdow, Mills, O'Grady, Wright—9.

Absent-- Armstrong, Baker, Malony---3.

Title agreed to.

The following communications were received:

TERRITORY OF MONTANA, EXECUTIVE OFFICE.
Helena, M. T., March 7th, 1883.

To the House of Representatives :

GENTLEMEN: I have the honor to inform you that I have this day approved House bill No. 96, "An Act concerning building corporations."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,

Governor.

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, M. T., March 7, 1883.

To the House of Representatives :

GENTLEMEN: I have the honor to inform you that I have this day approved House bill No. 72, "An Act to secure manufacturers and owners of railroad equipment and rolling stock in making conditional sales and contracts for the lease thereof," and House Joint Resolution No. 2, "Providing for a Constitutional Convention."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, M. T., March 7th, 1883.

To the House of Representatives :

GENTLEMEN: Substitute for House bill No. 4, is respectfully returned without my signature for the following reasons :

There is no limit to the volume of water that can be controlled by prior appropriation, if the volume can be utilized. What is such "abandonment" as to forfeit this control, is left uncertain; and inasmuch as the right claimed for one use, may be held for a different use, the common rights of the public, and even "eminent domain" may be permanently sacrificed to this sweeping right of private appropriation.

The bill provides that any person can appropriate water by posting a notice in writing at the place of intended diversion, by filing with the County Recorder, within twenty days, notice of said appropriation; or, in other words, the same person may appropriate water at twenty different places in the Territory, at the same time, and before the sixty days expire in which he is to commence excavating, he can sell and speculate in these rights to the disadvantage of the "bona-fide" settler.

In my opinion our industrial enterprises are not sufficiently advanced to justify a formal Legislative surrender of such sweeping powers to any citizen or corporation over the streams and rivers of this Territory. Exigencies of the future may arise requiring the Territory to recover, by purchase, by great cost then, rights of eminent domain over our streams which this bill confers, without limit, upon the first private appropriator who can use them for any purpose, however moderately useful to himself or the great public.

Moreover, this bill offers no barrier to the fatal diversion of water from a stream stocked with food fish, or to pernicious mingling of waters.

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

On motion of Forbis the vote by House bill No. 4 passed the House was reconsidered.

The question being put, "Shall this bill pass, the objections of the Governor to the contrary notwithstanding?" the bill was lost by the following vote:

Ayes—Blake, Clutter, Dean, Edwards, Erwin, Forbis, Jacobs, Kanouse, Mantle, Mills, Wright—11.

Noes—Allen, Batten, Comly, Cooper, Hickman, McAdow, O'Grady, Settle, Wallace, Mr. Speaker—10.

Absent—Armstrong, Baker, Malony—3.

The following reports were received :

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that Council bills Nos. 46, 37 and 59, and House bills Nos. 40, 10, 9, 82, 117, 94, 73 and 118 have been correctly enrolled, and are herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker :

Your Committee on Engrossment have examined H. B. No. 121, "An Act concerning witnesses," and herewith report the same correctly engrossed.

MANTLE,
Chairman.

Mr. Speaker :

Your Committee of Conference regarding the disagreement of the "two Houses" upon Council amendments to House bill No. 49 have met the members of said Committee upon the part of the Council, and after a free conference said Committee have agreed to report to their respective Houses recommending that the "House" concur in all Council amendments except "that levying a tax of one mill on the dollar on all live stock property," and that as to that amendment, recommend that the Council recede therefrom.

KANOUSE,
COMLY,
EDWARDS.

Kanouse moved to adopt the report.

Hickman moved a call of the House.
A call was had; absent, Settle.

Comly moved to dispense with further proceedings under the call of the House. Motion lost.

On motion of Hickman further proceedings under the call were dispensed with.

The Speaker announced that he had signed House bills Nos. 117, 109, 118, 40, and Council bills Nos. 37, 59, 46.

On motion of Forbis the House proceeded to the regular order of business.

H. B. No. 98 was read a third time, and was lost by the following vote:

Ayes—Allen, Batten, Blake, Comly, Jacobs, Kanouse, Mills, O'Grady, Settle, Wallace—10.

Noes—Clutter, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Mantle, McAdow, Wright, Mr. Speaker—11.

Absent—Armstrong, Baker, Malony—3.

H. B. No. 121 was read a third time, and passed by the following vote:

Ayes—Allen, Batten, Blake, Clutter, Comly, Cooper, Dean, Erwin, Forbis, Jacobs, Kanouse, Mantle, Mills, Settle, Wallace, Wright—16.

Noes—Edwards, Hickman, McAdow, O'Grady, Mr. Speaker—5.

Absent—Armstrong, Baker, Malony—3.

C. B. No. 53 was read a third time, and passed by the following vote:

Ayes—Allen, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Mantle, O'Grady, Settle, Wallace, Wright, Mr. Speaker—17.

Noes—Kanouse, McAdow—2.

Absent—Armstrong, Baker, Batten, Malony, Mills—5.

C. B. No. 44 was read a third time and passed by the following vote:

Ayes—Allen, Blake, Clutter, Comly, Cooper, Dean, Erwin, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, O'Grady, Settle, Wallace, Wright, Mr. Speaker—18.

Noes—Edwards—1.

Absent—Armstrong, Baker, Batten, Malony, Mills—5.

Title agreed to.

C. B. No. 47 was read a third time, and passed by the following vote:

Ayes—Allen, Clutter, Cooper, Dean, Hickman, Jacobs, Mills, O'Grady, Settle, Wallace, Wright—11.

Noes—Blake, Comly, Edwards, Erwin, Forbis, Kanouse, Mantle, McAdow, Mr. Speaker—9.

Absent—Armstrong, Baker, Batten, Malony—4.

Title agreed to.

Comly moved to concur in Council amendments to H. B. No. 49.

On motion of Comly further consideration of the motion was made the Special Order for 7 P. M. to-day.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Blake in the chair.

House resumed.

Mr. Speaker in the chair.

Comly moved to take a recess until 7 P. M.

Forbis moved to amend by adjourning.

Amendment was lost by the following vote:

Ayes--Dean, Edwards, Erwin, Forbis, Hickman, Mantle, Mills, O'Grady---8.

Noes---Allen, Blake, Clutter, Comly, Cooper, Jacobs, Kanouse, Settle, Mr. Speaker---9.

Absent---Armstrong, Baker, Batten, Malony, McAdow, Wallace, Wright---7.

The motion of Comly prevailed by the following vote:

Ayes---Allen, Blake, Comly, Cooper, Edwards, Jacobs, Kanouse, Settle, Mr. Speaker---9.

Noes---Clutter, Dean, Erwin, Forbis, Hickman, Mantle, Mills, O'Grady---8.

Absent---Armstrong, Baker, Batten, Malony, McAdow, Wallace, Wright---7.

7 P. M.

House resumed.

Mr. Speaker in the Chair.

Roll called---quorum present.

Absent on leave, Armstrong, Baker.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., March 7, 1883.

Mr. Speaker:

I have the honor to inform you that Council recedes from that part of its amendment relative to House bill No. 49, to wit: "Levy-ing a tax of one mill upon the dollar upon all live stock property;" said bill is transmitted.

JAMES B. WELLS,
Chief Clerk.

On motion of Blake the House concurred in Council amendments to House bill No. 73, and the bill was ordered enrolled.

Kanouse moved that the House adopt the report of the Committee of Conference on House bill No. 49.

Mantle moved to postpone further consideration of the motion until 2:30 P. M. to-morrow.

Forbis moved a call of the House.

A call was had. Absent, Edwards.

The Sergeant-at-Arms was instructed to bring in the absentee.

Kanouse moved to dispense with further proceedings under the call of the House. Motion lost.

The absentee having appeared in his seat, further proceedings under the call of the House were dispensed with.

The motion of Mantle was lost by the following vote:

Ayes—Allen, Clutter, Edwards, Erwin, Forbis, Hickman, Malony, Mantle, O'Grady, Wallace, Mr. Speaker—11.

Noes—Batten, Blake, Comly, Cooper, Dean, Jacobs, Kanouse, McAdow, Mills, Settle, Wright—11.

Absent—Armstrong, Baker—2.

Mantle moved to adjourn.

Motion lost by the following vote:

Ayes—Allen, Clutter, Edwards, Erwin, Forbis, Hickman, Malony, Mantle, O'Grady, Wallace, Mr. Speaker—11.

Noes—Batten, Blake, Comly, Cooper, Dean, Jacobs, Kanouse, McAdow, Mills, Settle, Wright—11.

Absent—Armstrong, Baker—2.

Kanouse moved the previous question. Motion lost by the following vote:

Ayes—Batten, Blake, Comly, Cooper, Kanouse, McAdow, Mills, Settle, Wright—9.

Noes—Allen, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Malony, Mantle, O'Grady, Wallace, Mr. Speaker—13.

Absent—Armstrong, Baker—2.

Mantle moved to adjourn.

Motion lost by the following vote:

Ayes—Clutter, Edwards, Erwin, Forbis, Hickman, Malony, Mantle, O'Grady, Wallace, Mr. Speaker—10.

Noes—Allen, Batten, Blake, Comly, Cooper, Dean, Jacobs, Kanouse, McAdow, Mills, Settle, Wright—12.

Absent—Armstrong, Baker—2.

The motion of Kanouse to adopt the report of the Committee of Conference was lost by the following vote:

Ayes—Batten, Blake, Comly, Cooper, Dean, Jacobs, Kanouse, McAdow, Mills, Settle, Wright—11.

Noes—Allen, Clutter, Edwards, Erwin, Forbis, Hickman, Malony, Mantle, O'Grady, Wallace, Mr. Speaker—11.

Absent—Armstrong, Baker—2.

Comly moved that Council be informed that the House refuses to concur in Council amendment to House bill No. 49, and asks for a Committee of Conference.

The motion was carried by the following vote:

Ayes—Allen, Batten, Blake, Comly, Cooper, Dean, Jacobs, Kanouse, McAdow, Mills, Settle, Wright, Mr. Speaker—13.

Noes—Clutter, Edwards, Erwin, Forbis, Hickman, Malony, Mantle, O'Grady, Wallace—9.

Absent—Armstrong, Baker—2.

The Chair appointed as such Committee on the part of the House Comly, Kanouse and Edwards.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., March 7, 1883.

Mr. Speaker:

I have the honor to inform you that the vote by which H. B. No. 113 has passed was reconsidered, and the question being then put, "Shall this bill pass, the objections of the Governor to the contrary notwithstanding?" the bill passed by a vote exceeding two-thirds of all the members, and is herewith transmitted.

That C. B. No. 25 was indefinitely postponed.

That, conforming to request of House relative to H. B. No. 66, the President has appointed Messrs. White, Bass and Cox as part Committee of Conference on the part of the Council; that Council concurs in House amendments to C. B. No. 60.

That Mitchell, by unanimous consent, without previous notice, introduced C. B. No. 62, "A bill for an Act to amend Sec. 110 of Chapter VII, of the Fifth Division of the Revised Statutes."

That the following, to wit: H. J. R. No. 7, H. B. No. 34 as

amended and H. B. No. 73 as amended have passed, and are herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

Comly moved to adjourn. Motion lost.

The following communications were received:

COUNCIL CHAMBER.
Helena, M. T., March 7, 1883.

Mr. Speaker :

I have the honor to inform you that Cox, by unanimous consent, without previous notice, introduced C. B. No. 63, "A bill for an Act to amend Section 332, of the Fifth Division of the Revised Statutes of Montana." That Council bill No. 63 has passed and is transmitted.

JAMES B. WELLS,
Chief Clerk.

TERRITORY OF MONTANA, EXECUTIVE OFFICE.
Helena, M. T., March 7th, 1883.

To the House of Representatives :

GENTLEMEN: I have the honor to inform you that I have this day approved House bill No. 40, "An Act concerning the compensation of County Assessor." House bill No. 109, "An Act to amend an Act entitled an Act to regulate the fees of Sheriffs for board of prisoners." House bill No. 117, "An Act concerning the inmates of public institutions." House bill No. 118, "An Act to provide against escape of convicts."

I am, very respectfully, your obedient servant.

JNO. SCHUYLER CROSBY,
Governor.

The Speaker announced that he had signed H. B's. Nos. 82, 94 and 73.

The House resolved itself into Committee of the Whole for the consideration of General Orders.

Blake in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Batten the House adjourned until at 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

SIXTIETH DAY.

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 8th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.
Mr. Speaker in the chair.
Roll called—quorum present.
Absent on leave, Armstrong, Baker—2.
Prayer by the Chaplain.
Journal of fifty-ninth day read and approved.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., March 7, 1883.

Mr. Speaker:

I have the honor to inform you that substitute for H. B. No. 112 has passed the Council and is herewith transmitted.

JAMES B. WELLS,
Chief Clerk.

H. B. No. 112 was ordered enrolled.

The following report was received:

Mr. Speaker:

Your Select Committee, consisting of the members from Custer County, to whom was referred Council bill No. 3, beg leave to report the same back to the House with the following amendment, that is to say: Amend Section 1 by inserting after the words "at Miles City" the words "upon a site to be selected by said Trustees situated at some point east of the north line of the east half of the north-east quarter of Section thirty-three (33) in township eight (8) north

of range forty-seven (47) east in said County. And your Committee would recommend that the said bill, as so ammended, do pass.

ERWIN,
Chairman.

On motion of Erwin the amendments were adopted and ordered engrossed.

The following reports were received:

Mr. Speaker :

Your Committee on the Judiciary herewith reports House bills Nos. 23, 35 and 62. and recommend that the same be indefinitely postponed.

FORBIS.

Mr. Speaker :

Your Committee on Roads and Highways, to whom was referred House bill No. 115, a bill for "An Act entitled an Act to secure greater safety in winter travel on prairie mail routes," have thoughtfully considered the same and have instructed me to report the bill back to the House without recommendation.

MILLS,
Chairman.

On motion of Forbis House bills Nos. 23; 62 and 35 were indefinitely postponed.

On motion of Erwin House bill No. 115 was indefinitely postponed.

The following report was received :

Mr. Speaker :

Your Committee of the Whole House, to whom was referred H. B. No. 50, having considered the same, have directed me to report back the bill to the House and recommend that it do pass.

BLAKE.

H. B. No. 50 was placed on the calendar for a third reading.

The following report was received :

Mr. Speaker :

Your Committee of the Whole House to whom was referred C. B. No. 21, having considered the same, have directed me to report the bill back with the accompanying amendment, and recommend that as so amended the bill do pass.

BLAKE.

On motion of Blake the amendments offered were rejected.

On motion of Mantle the rules were suspended, the bill read a third time by title, and was lost by the following vote:

Ayes—Edwards, Hickman, Kanouse, Mantle, McAdow, Settle, Mr. Speaker—7.

Noes—Allen, Batten, Blake, Comly, Cooper, Dean, Erwin, Forbis, Jacobs, Malony, Mills, O'Grady, Wallace—13.

Absent—Armstrong, Baker, Clutter, Wright—4.

Comly, by unanimous consent, introduced H. B. 122, "An Act to amend an Act to provide for municipal corporations in the Territory of Montana, approved February 17th, 1881."

The following report was received:

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 103, having considered the same, have directed me to report back the bill and recommend that it do not pass.

BLAKE.

On motion of Forbis H. B. No. 103 was indefinitely postponed.

The Speaker announced that he had signed House bills Nos. 52, 112 and Council bill No. 53.

The following report was received:

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 95, having considered the same, have directed me to report the bill back with the accompanying amendment, and recommend that as so amended the bill do pass.

BLAKE.

On motion of Blake the amendment was adopted, the rules suspended, the bill considered engrossed, read a third time by title, and passed by the following vote:

Ayes—Batten, Blake, Comly, Cooper, Dean, Edwards, Forbis, Hickman, Jacobs, Kanouse, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker---18.

Noes---Erwin, Malony---2.

Absent---Allen, Armstrong, Baker, Clutter---4.

Title agreed to.

The following report was received:

Mr. Speaker :

Your Committee of the Whole House, to whom was referred H. B. No. 99, having considered the same, have directed me to report the bill back to the House and recommend it do pass.

BLAKE.

H. B. No. 99 was placed on the calendar for a third reading.

The following report was received:

Mr. Speaker :

Your Committee of the Whole House, to whom was referred C. B. No. 22, having considered the same, have directed me to report the bill back to the House with the accompanying amendments, and recommend that as so amended it do not pass.

BLAKE.

On motion of Blake C. B. No. 22 was indefinitely postponed.

The following report was received:

Mr. Speaker :

Your Committee of the Whole House, to whom were referred C. B's. Nos. 12 and 34 and H. B. No. 114, having considered the same, have directed me to report the bills back to the House, and recommend that they do not pass.

BLAKE.

On motion of Comly H. B. No. 114 was indefinitely postponed.

On motion of Mantle C. B's. Nos. 12 and 34 were indefinitely postponed.

The following report was received:

Mr. Speaker :

Your Committee of the Whole House, to whom was referred C. B. No. 48, having considered the same, have directed me to report back the bill to the House, and recommend that it be indefinitely postponed.

BLAKE.

On motion of Hickman C. B. No. 48 was indefinitely postponed.

Batten, by unanimous consent, introduced H. B. No. 123, "An Act for the better protection and preservation of timber in the Territory of Montana."

Blake introduced H. J. R. No. 11, "To pay for extra clerks," which was read first and second times.

On motion the rules were suspended, the resolution read a third time by title and passed by the following vote:

Ayes---Allen, Blake, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Wallace, Wright, Mr. Speaker---19.

Noes---None.

Absent---Armstrong, Baker, Batten, Clutter, Settle---5.

Title agreed to.

The following report was received:

Mr. Speaker :

Your Committee on Engrossment have examined C. B. No. 3. "An Act to enable the people of School District No. 1 of Custer County to build a school house," and herewith report the same correctly engrossed.

MANTLE,
Chairman.

On motion of Mantle the rules were suspended, C. B. No. 3 was read a third time by title, and passed by the following vote:

Ayes---Allen, Batten, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Jacobs, Malony, Mantle, McAdow, Mills, Wallace, Wright, Mr. Speaker---17.

Noes---Blake, Kanouse---2.

Absent---Armstrong, Baker, Hickman, O'Grady, Settle---5.

Blake moved to amend title by inserting after the last word the words "and locate."

Comly introduced H. C. R. No. 6, relative to adjournment, and moved its adoption. Motion lost.

Forbis moved to make H. B. No. 34 a Special Order for 11:30 p. m. this day.

Cooper moved a call of the House.

A call was had. Absent, Settle.

The absentee having appeared in his seat, the further call was dispensed with.

On motion of Comly the House concurred in Council amendments to H. B. No. 34, and the bill was ordered enrolled.

On motion of Hickman the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Armstrong, Baker.

Journal of the day read and approved up to this writing.

By unanimous consent Kanouse introduced H. J. R. No. 12, "For distribution of statutes." Read first and second times, and, on motion of Mantle, the rules were suspended, the bill read a third time by title, and passed by the following vote:

Ayes—Allen, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—None.

Absent—Armstrong, Baker, Forbis—3.

Title agreed to.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., March 8, 1883.

Mr. Speaker:

I have the honor to inform you that the Council has concurred in House amendments to C. B. No. 3.

That H. B. No. 121 has passed and is transmitted.

That H. B. No. 86 has been laid upon the table, and is also transmitted.

JAMES B. WELLS,
Chief Clerk.

By unanimous consent Kanouse introduced H. B. No. 124, "An Act in relation to water rights." Read first and second times, and, on motion of Comly, the rules were suspended, the bill read a third time by title, and passed by the following vote:

Ayes—Allen, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, Settle, Wallace, Wright, Mr. Speaker—21.

Noes—O'Grady—1.

Absent—Armstrong, Baker—2.

Title agreed to.

C. B. No. 51 was read first and second times.

McAdow offered the following amendment:

After the words "Three Forks" insert "and the Yellowstone River below the mouth of Clarke's Fork."

On motion of Hickman the amendment was adopted.

Cooper offered the following amendment :

Strike out the word "Beavers" wherever it may occur in the bill.

Allen moved that the amendments be adopted. Motion lost.

Edwards offered the following amendment :

"Strike out Section 12 and renumber the balance of the sections."

On motion of Edwards the amendment was adopted.

H. B. No. 85 was ordered enrolled.

On motion of Hickman the rules were suspended, C. B. No. 51 was read a third time by title, and passed by the following vote :

Ayes—Allen, Batten, Blake, Dean, Edwards, Erwin, Hickman, Jacobs, Malony, Mantle, McAdow, Mills, Settle, Wallace, Wright.
Mr. Speaker—16.

Noes—Cooper, Kanouse, O'Grady—3.

Absent—Armstrong, Baker, Clutter, Comly, Forbis—5.

Title agreed to.

The following communications were received :

COUNCIL CHAMBER,
Helena, M. T., March 8, 1883.

Mr. Speaker :

I have the honor to inform you that Council recesses from its amendments to H. B. No. 49.

JAMES B. WELLS,
Chief Clerk.

COUNCIL CHAMBER,
Helena, M. T., March 8, 1883.

Mr. Speaker :

I have the honor to inform you that the President has appointed as a second Committee of Conference relative to H. B. No. 49 Messrs. Cox, Bass and Gillette, as such on the part of the Council. The bill is herewith retransmitted.

That H. B. No. 85 has passed and is transmitted; that C. J. R. No. 8 has been lost, and is transmitted.

JAMES B. WELLS,
Chief Clerk.

The Speaker announced that he had signed House bill No. 61. and Council bills Nos. 60, 55, 44 and 47.

H. B. No. 49 was ordered enrolled.

Kanouse offered the following resolution :

Whereas, The members of this House have been receiving at their desks daily copies of "The Inter-Mountain" and "Miner," published at Butte City, and

Whereas, Inquiry of the respective representatives of said papers, now in Helena, develops the fact that said papers have been furnished "without money and without price," and as the receipt of such courtesies is something unusual in the experience of this session, Therefore, be it

Resolved, That our hearty thanks are due, and we hereby tender them to each of the representatives of said newspapers.

On motion of Hickman the resolution was adopted.

McAdow called for the reading of C. B. No. 63.

Malony moved a call of the House.

A call was had; absent, Clutter, Kanouse and O'Grady.

The absentees having appeared in their seats a further call was dispensed with.

Malony moved to lay C. B. No. 63 on the table. Motion lost by the following vote:

Ayes—Cooper, Jacobs, Malony, O'Grady, Wallace, Wright—6.

Noes—Allen, Batten, Blake, Clutter, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Mantle, McAdow, Mills, Settle, Mr. Speaker—15.

Absent—Armstrong, Baker, Comly—3.

The bill was read first and second times.

McAdow moved to suspend the rules, read the bill a third time by title and place it upon its final passage.

Malony moved to amend by referring to a Special Committee of members from Custer and Dawson Counties, which was carried, and the bill was so referred.

McAdow moved that the Committee be requested to report immediately. Motion lost.

The following communication was received :

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, M. T., March 8, 1883.

To the House of Representatives :

GENTLEMEN: I have the honor to inform you that I have this day approved the following House bills:

No. 82, "An Act to regulate service of process upon corporations."

No. 94, "An Act providing for the service of process in criminal cases upon corporations."

No. 73, "An Act to apportion the members of the Legislative Assembly."

No. 52, "An Act to amend the Montana School law." Also,

Substitute for House bill No. 112, "An Act relative to the offices of County Commissioners of Custer County."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,

Governor.

H. B. No. 121 was ordered enrolled.

C. J. R. No. 7 was read first and second times, and on motion of Comly the rules were suspended, the resolution read a third time by title, and was lost by the following vote:

Ayes—Batten, Blake, Comly, Dean, Kanouse, Malony, Mills, Wallace, Wright, Mr. Speaker --10.

Noes—Allen, Clutter, Cooper, Edwards, Erwin, Forbis, Hickman, Jacobs, Mantle, McAdow, O'Grady, Settle—12.

Absent—Armstrong, Baker—2.

The following report was received :

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that House bills Nos. 94, 112, 52, 73 and 82, and Council bill No. 53 were presented to the Governor for his approval on March 8, 1883, at 12 M., and that H. B. No. 61, and Council bills Nos. 47, 60, 44 and 55 were presented to the Governor for his approval on March 8, 1883, at 3 P. M.

BLAKE.

Council bill No. 57 was read first time.

Hickman moved that the bill be rejected.

The question being put, "Shall this bill be rejected?" the bill was rejected.

McAdow moved that the vote by which Council Joint Resolution No. 7 was lost be reconsidered was carried.

The resolution passed by the following vote:

Ayes--Allen, Batten, Blake, Comly, Cooper, Edwards, Erwin, Forbis, Hickman, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Wright, Mr. Speaker---19.

Noes---Clutter, Dean, Jacobs---3.

Absent---Armstrong, Baker---2.

Title agreed to.

House bill No. 122 was read first and second times, and, on motion of Comly, the rules were suspended, the bill considered engrossed, read a third time by title, and passed by the following vote:

Ayes---Allen, Batten, Blake, Clutter, Comly, Cooper, Dean, Forbis, Hickman, Kanouse, Malony, Mantle, McAdow, Mills, O'Grady, Settle, Wallace, Mr. Speaker---18.

Noes---None.

Absent--Armstrong, Baker, Edwards, Erwin, Jacobs, Wright---6.

Title agreed to.

House bill No. 123 was read first and second times, and, on motion of Blake, the rules were suspended, the bill read a third time by title, and passed by the following vote:

Ayes---Allen, Batten, Blake, Dean, Hickman, Kanouse, Malony, Mantle, McAdow, Mills, Settle---11.

Noes---Clutter, Comly, Cooper, Edwards, Forbis, O'Grady, Wallace, Mr. Speaker---8.

Absent---Armstrong, Baker, Erwin, Jacobs, Wright---5.

Title agreed to.

House Joint Resolution No. 12 was ordered enrolled.

The following communications were received:

COUNCIL CHAMBER,
Helena, M. T., March 8, 1883.

Mr. Speaker:

I am instructed by the Council to transmit to your honorable body the enclosed communication from the Governor, with papers accompanying the same; also to inform you that H. J. M. No. 8, as amended, and H. J. R. No. 12 have passed, and are transmitted.

JAMES B. WELLS,
Chief Clerk.

Blake moved that the House do not concur in Council amendments to H. J. M. No. 8.

Comly moved to amend that motion by concurring in Council amendments.

Motion to amend prevailed.

On motion of Forbis the House took a recess for 30 minutes.

House resumed.

Roll called—quorum present.

The Speaker announced that he had signed H. J. R's. Nos. 11 and 12, and H. B's. Nos. 85 and 121.

The following report was received:

Malony objected to the reading of the report, and demanded a call of the House.

A call was had. Absent, Clutter, Wallace.

On motion of Settle further proceedings under the call was dispensed with.

Settle moved to take a recess until 7:30 P. M. Motion lost.

On motion of Batten Council bill No. 63 was made a Special Order for 7:30 P. M., and Malony, of Select Committee on the same, was instructed to report at that hour.

The Speaker announced that he had signed House bill No. 49.

The following reports were received:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that House bills Nos. 52, 112, 61, 105, 85, 121 and 49, and Council bills Nos. 53, 60, 55, 44, 47 and 3, and House Joint Resolutions Nos. 11 and 12 have been correctly enrolled, and are herewith presented to the Speaker of the House for his signature.

BLAKE.

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that H. B. No. 105 and C. B. No. 3 were presented to the Governor for his approval on March 8, 1883, at 4:30 P. M., and that H. B's Nos. 85, 49 and 121, and H. J. R's. Nos. 11 and 12 were presented to the Governor for his approval at 5:30 P. M.

BLAKE.

On motion of O'Grady the House took a recess until 7:30 P. M.

7:30 P. M.

House resumed.

Mr. Speaker in the chair.

Rolled called—quorum present.

Absent on leave, Armstrong, Baker, Wallace.

Up to this hour Journal of the day read and approved.

The following communications were received:

COUNCIL CHAMBER,
Helena, M. T., March 8, 1883.

Mr. Speaker:

I am directed by the Council to inform the House that, under a suspension of the rules, H. B. No. 124, "An Act in relation to water rights" has passed the Council and is transmitted.

JAMES B. WELLS,
Chief Clerk.

COUNCIL CHAMBER,
Helena, M. T., March 8, 1883.

Mr. Speaker:

I have the honor to inform you that H. J. R. No. 11, and H. B. No. 95 have passed and are transmitted.

JAMES B. WELLS,
Chief Clerk.

H. B's. Nos. 124 and 95, having passed the Council without amendment, was ordered enrolled.

Forbis offered the following:

Resolved: That no member shall occupy the floor for more than fifteen minutes, in debate or explanation, upon any one subject.

Blake moved to amend by striking out the word "fifteen" and insert "five" in lieu thereof.

Comly moved to amend the amendment by inserting the word "two" instead of the word "five." Amendment adopted.

On motion the resolution as amended was adopted.

The Speaker announced that he had signed House bills Nos. 34, 95 and 124, and Council Joint Resolution No. 7.

The hour having arrived for which Council bill No. 63 was made a Special Order, Comly moved to proceed to the regular order of business. Motion lost.

The motion to take up Council bill No. 63 and request the Chairman of said Committee to make his report prevailed.

The question being put, "Shall the main question now be put?" was carried.

The following resolution was offered:

Resolved: That John F. Malony be and he is hereby requested to return to this House Council bill No. 63, which he has now in his possession.

Forbis demanded the previous question, which prevailed.

The resolution offered by Forbis was adopted.

Mr. Malony, being asked if he would report on Council bill No. 63, replied: "Yes, I will to-morrow." The question being asked him, "Is the bill in your possession?" replied: "Yes, I believe it is." Malony then gave up Council bill No. 63, and presented the following report:

Mr. Speaker:

A minority of your Committee on Towns and Counties respectfully report the same back with the recommendation that it do not pass.

MALONY,
Chairman.

The majority report of the Special Committee was received:

Mr. Speaker:

A majority of your Committee, to whom was referred Council bill No. 63, would respectfully report that the House take the bill from the hands of the Chairman, and act on it at once. If the bill should pass, it is necessary to have it enrolled, so as to get it to the hands of the Governor before the session adjourns.

McADOW,
ERWIN.

The following communication was received:

COUNCIL CHAMBER,
Helena, M. T., March 8, 1883.

Mr. Speaker:

I have the honor to inform you that Cox, by unanimous consent.

without previous notice, introduced Council bill No. 64, "An Act to amend an Act entitled an Act to amend Section 332 of the Fifth Division of the Revised Statutes of Montana, approved February 15, 1883." That Council bill No. 64 has passed, and is transmitted.

JAMES B. WELLS,
Chief Clerk.

Council bill No. 63 was read first and second times.

Kanouse offered amendments to Council bill No. 63.

Batten moved to adopt, and demanded the previous question.

The Amendment was adopted by the following vote:

Ayes-- Allen, Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Jacobs, Kanouse, Malony, Mantle, McAdow, Mills, Settle, Wallace, Wright, Mr. Speaker---21.

Noes---O'Grady---1.

Absent---Armstrong, Baker---2.

Mantle moved to suspend the rules, the amendment be considered engrossed, and the bill placed upon its final passage.

Council bill No. 63 was read a third time by title, and passed by the following vote:

Ayes---Batten, Blake, Clutter, Comly, Cooper, Dean, Edwards, Erwin, Forbis, Hickman, Kanouse, Malony, Mantle, McAdow, Mills, Settle, Wright, Mr. Speaker---18.

Noes---Allen, Jacobs, O'Grady, Wallace---4.

Absent---Armstrong, Baker---2.

Title agreed to.

The following communication was received:

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, M. T., March 8th, 1883.

To the Honorable, the House of Representatives :

GENTLEMEN: House Bill No. 49 is respectfully returned without my signature, for the following reasons:

The bill provides that the Governor shall appoint five sworn commissioners, who must have some interest in some stock Range, to supervise, among other duties, interests common to all stock owners; that these commissioners shall appoint six unsworn subordinates as inspectors, at a maximum salary of one hundred and fifty dollars a month each, and place these inspectors at any point in, or out of the Territory, that the commissioners may deem fit; and that any one of these six unsworn subordinates may have authority to make arrests

without warrant, for offences not very clearly defined, and may command any citizen to assist in making such arrests, without warrant, under a maximum penalty of one hundred dollars for refusal to render such assistance.

These provisions seem to me a grave menace to personal liberty, and suited rather to the exigencies of the past, than to any present condition of the peaceful Territory of Montana. We are now under a stable government of order and law, with sworn officials, of prescribed duties and carefully guarded powers. The delegation to commissioners of an authority to appoint sworn subordinates, empowered to make arrests with warrant, is a considerable delegation of executive or legislative power; but the sub-delegation of authority to unsworn subordinates to make arrests without warrant, and according to their irresponsible judgment as to offences and offenders, is a step backward from the spirit of the free north-west, to the dangerous days of the star-chamber and the Stuarts.

Present statutes guard some, if not all of the interests, that the bill would protect. For example, the illegal branding of stock, even "by mistake," entitles the defrauded owner to thrice the value of the stock, while such branding, with intent to defraud, is punishable by imprisonment for a term of six months to five years.

In legislation, as in machinery, nothing is stronger than its weakest part; and it seems to me more likely that some one of six unsworn inspectors, armed with the tremendous power to arrest without warrant, may commit ignorant, corrupt or malicious wrong, than that a private owner, who can recover the value of three cattle for one illegally branded, even by mistake, should need for his protection any agency so menacing to personal liberty as this which the bill provides.

I very respectfully submit my opinion that no legitimate benefit, likely to accrue to any stock owner, too negligent to protect his interest under present civil and criminal remedies, can compensate our community for the additional tax burden that the bill proposes to impose by a special levy of one-third of a mill on all the taxable property of this now rapidly growing Territory—rapidly growing unless the fear of taxation and arbitrary arrest, without warrant, by unsworn officials, should retard it.

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

Mantle moved to reconsider the vote by which House bill No. 49 passed the House. Motion prevailed.

The question being put, "Shall this bill pass, the objections of the Governor to the contrary notwithstanding?" the bill was lost by the following vote:

Ayes—Batten, Comly, Dean, Kanouse, McAdow, Mills, Settle, Wright—8.

Noes—Allen, Blake, Clutter, Cooper, Edwards, Erwin, Forbis, Hickman, Mantle, O'Grady, Wallace, Mr. Speaker—12.
Absent—Armstrong, Baker, Jacobs, Malony—4.

The following communications were received:

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
 Helena, M. T., March 8, 1883.

To the House of Representatives:

GENTLEMEN: I have the honor to inform you that I have this day approved the following bills:

House bill No. 105, "An Act to incorporate the Town of Missoula."

House bill No. 121, "An Act concerning witnesses."

House Joint Resolution No. 11, "To pay clerks."

House Joint Resolution No. 12, "For distribution of statutes."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
 Governor.

COUNCIL CHAMBER,
 Helena, M. T., March 8, 1883.

Mr. Speaker:

I have the honor to inform you that House bill No. 110 has been lost, and is transmitted.

That Council bill No. 61 has passed, and is also transmitted.

That House bills Nos. 107 and 97 have passed, and are transmitted.

That House bills Nos. 123 and 91 have been indefinitely postponed, and are transmitted.

That Council bill No. 62 has been lost; that House bill No. 122 has been lost, and is transmitted.

That the Council concurs in House amendments to Council bill No. 63.

JAMES B. WELLS,
Chief Clerk.

On motion of Blake the rules were suspended, and House bills Nos. 97 and 107 were considered enrolled.

The Journal, up to this hour, was read and approved.

The Speaker announced that he had signed House bills Nos. 97 and 107.

Mantle offered the following resolution:
 Kanouse in the chair.

Resolved: That the thanks of this House are due and are here-

by tendered to the Hon. A. E. Mayhew, Speaker of this House of Representatives, for the fairness and impartiality shown by him throughout this session, in the discharge of the important and delicate duties pertaining to his office.

MANTLE.

On motion of Malony the resolution was unanimously adopted. The following communication was received :

TERRITORY OF MONTANA, EXECUTIVE OFFICE.
Helena, M. T., March 8th, 1883.

To the House of Representatives :

GENTLEMEN: I have the honor to inform you that I have this day approved House bill No. 34, "An Act to amend an Act relative to a bounty for killing certain animals."

House bill No. 95, "An Act prescribing the fees of Probate Judge."

House bill No. 61, entitled "An Act regulating insurance companies."

I am, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,
Governor.

The following report was received :

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that House bills Nos. 34, 124, 95, and Council bills Nos. 51 and 63, and Council Joint Resolution No. 7, and House Joint Memorial No. 8, have been correctly enrolled, and are herewith presented to the Speaker of the House for his signature.

BLAKE.

Kanouse offered the following resolution :

Resolved : That this House hereby expresses its thanks to David Marks, Chief Clerk, and to the other officers of this House, for the able and efficient manner in which they have performed their respective duties.

On motion of Blake the resolution was unanimously adopted.

The Speaker announced that he had signed Council bill No. 63.

The Journal was read and approved up to this hour—11:30 P. M.

The following report was received :

Mr. Speaker :

Your Joint Committee on Enrollment beg leave to report that

House bills Nos. 34, 124 and 95, and Council bills Nos. 51 and 63, and Council Joint Resolution No. 7 were presented to the Governor for his approval on March 8, 1883.

BLAKE.

Blake moved that a Committee of three be appointed on the part of the House, by the Chair, to act with a like Committee from the Council to wait on the Governor and ask him if he has any further communication to make to this body.

Mantle offered the following:

Resolved: That the members of this House deeply regret the unfortunate illness which has debarred the Hon. Joseph Armstrong, member from Deer Lodge, from participating in the closing ceremonies of this body.

On motion of Hickman the resolution was unanimously adopted.

Blake, of the Joint Committee on the part of the House, appointed to wait on the Governor, reported that the Governor had no further communication to make.

Journal read and approved up to this hour.

The hour of 12 M. having arrived, the gavel fell, and Mr. Speaker declared the House of Representatives of the Thirteenth Session of the Legislative Assembly of Montana, adjourned without day.

ALEXANDER E. MAYHEW,
Speaker of the House.

Attest:

DAVID MARKS,
Chief Clerk.

